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Illinois Register

Rules of Governmental Agencies

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received14501

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
July 20, 1998	31	July 31, 1998
July 28, 1998	32	Aug. 7, 1998
Aug. 3, 1998	33	Aug. 14, 1998
Aug. 10, 1998	34	Aug. 21, 1998
Aug. 17, 1998	35	Aug. 28, 1998
Aug. 24, 1998	36	Sept. 4, 1998
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Oct. 13, 1998*	43	Oct. 23, 1998
Oct. 19, 1998	44	Oct. 30, 1998
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Nov. 23, 1998	49	Dec. 4, 1998
Nov. 30, 1998	50	Dec. 11, 1998
Dec. 7, 1998	51	Dec. 18, 1998
Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Environmental Disclosure
- 2) Code Citation: 83 Ill. Adm. Code 421
- 3) Section Numbers:
- | | |
|-----------|-------------|
| 421.10 | New Section |
| 421.20 | New Section |
| 421.30 | New Section |
| 421.40 | New Section |
| Exhibit A | New Section |
| Exhibit B | New Section |
| Exhibit C | New Section |
- 4) Statutory Authority: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].

5) A Complete Description of the Subjects and Issues Involved: These rules implement Section 16-127 of the Public Utilities Act. That Section of the Act requires utilities and alternative retail electric suppliers to inform their customers on the sources of electricity used by the utilities or suppliers. The proposed rules set out the guidelines for the provision of the information.

6) Will these proposed Rules replace emergency Rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register* to:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

ILLINOIS COMMERCE COMMISSION

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- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any electric utilities or alternative retail electric suppliers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures.
- C) Types of professional skills necessary for compliance: Managerial skills.
- 13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: the Commission did not anticipate the need for these rules.

The full text of the Proposed Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER C: ELECTRIC UTILITIES

PART 421
 ENVIRONMENTAL DISCLOSURE

Section	Applicability
421.10	Definitions
421.20	Disclosure Statements Provided to the Commission
421.30	Customer Billing Disclosure Statements
421.40	Table of Sources of Electricity
EXHIBIT A	Sources of Electricity Supplied Pie-Chart
EXHIBIT B	Emissions and Nuclear Waste Table
EXHIBIT C	

AUTHORITY: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 421.10 Applicability

This Part shall apply to all electric utilities and alternative retail electric suppliers. Unless otherwise required pursuant to a contract or a tariff governed by Section 16-118(b) of the Public Utilities Act [220 ILCS 5/16-118(b)], a utility shall not be required to provide the information required by this Part with those customer bills for which the utility provides only delivery services for power that is provided and billed by a different utility or alternative retail electric supplier. Unless otherwise required pursuant to a contract or a tariff governed by Section 16-118(b) of the Public Utilities Act, a utility is not required to provide to the Illinois Commerce Commission the information required by this Part as such information relates to power that the utility only delivers and does not generate and/or sell itself.

Section 421.20 Definitions

For purposes of this Part, the following definitions shall apply:

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" has the same meaning as defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Biomass power" means any resource that derives its power primarily from the combustion of dedicated crops grown for energy production and

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NOTICE OF PROPOSED RULES

organic wastes.

"Carbon dioxide" means the chemical compound with each single carbon atom combined with two oxygen atoms.

"Coal-fired power" means any resource that derives its power primarily from the combustion of coal.

"Commission" means the Illinois Commerce Commission.

"Electric utility" or "utility" means a public utility as defined in Section 3-105 and Section 16-102 of the Act [220 ILCS 5/3-105, 16-102].

"High-level nuclear waste" means nuclear fuel that has been removed from a nuclear reactor.

"Hydro power" means any resource that derives its power primarily from the flow or falling of water.

"Low-level nuclear waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct materials as defined in Section 116(2) of the Atomic Energy Act (42 USC 2021). This definition shall apply notwithstanding any declaration by the federal government or any state that any radioactive material is exempt from any regulatory control.

"Natural gas-fired power" means any resource that derives its power primarily from the combustion of natural gas.

"Nitrogen oxides" are chemical compounds with each single nitrogen atom combined with one or more oxygen atoms.

"Nuclear power" means any resource that derives its power primarily from the fission of atoms.

"Oil-fired power" means any resource that derives its power primarily from the combustion of oil.

"Other resources" means any known resource that derives its power primarily from sources or processes not described in this Section.

"Solar power" means any resource that derives its power primarily from the sun.

"Sulfur dioxide" means the chemical compound with each single sulfur atom combined with two oxygen atoms.

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"Unknown resources purchased from other companies" means any resource that is neither owned nor operated by the utility or ARES and that derives its power from a source or process that cannot be identified by the utility or ARES, after making all efforts to the maximum extent practicable to identify the source or process that produces the power.

"Wind power" means any resource that derives its power primarily from the flow of wind.

Section 421.30 Disclosure Statements Provided to the Commission

a) The following information shall be submitted to the Commission from every utility and ARES, to the maximum extent practicable, on at least a quarterly basis:

1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.

A) The percentage used shall be rounded to the nearest whole number.

B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".

C) This table shall be as depicted in Exhibit A.

2) A pie-chart, which graphically depicts the information in subsection (a)(1), shall also be provided.

A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart.

B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.

C) This pie-chart shall be as depicted in Exhibit B.

3) A table shall be provided that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).

A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).

B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).

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C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft³/1,000 kWh).

D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".

E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).

F) This table and footnote shall be as depicted in Exhibit C. Any other information the utility or ARES believes to be relevant to the information required may be provided.

5) A utility or ARES submitting information shall identify itself on such information.

b) Information timetable

1) Information in subsection (a) for the 12 month period ending March 31 of each year shall be provided to the Commission on July 1 of that year; information for the 12 month period ending June 30 of each year shall be provided on October 1 of that year; information for the 12 month period ending September 30 of each year shall be provided on January 1 of the following year; and information for the 12 month period ending December 31 of each year shall be provided on April 1 of the following year.

2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.

c) Filing requirements

1) The information required to be filed by this Part shall be submitted to the Commission in both printed and electronic form. The printed version shall be the same as that submitted in mailings to customers pursuant to Section 16-127(a) and (b) of the Act [220 ILCS 5/16-127(a) and (b)] and shall be the official version filed with the Commission's Chief Clerk. The computerized version of the data and information shall be in a clearly legible 12 point font size in the format described in subsections (a)(1), (2), and (3) of this Section and provided electronically in Microsoft Word Version 7.0, IBM personal computer compatible file format and delivered to the Commission's offices on 3.5 inch floppy disks. The computerized version of the data and information shall be included in the Commission's World Wide Web site (www.icc.state.il.us).

2) The information filed with the Commission pursuant to this Section shall be signed by an officer, agent or attorney for the utility or ARES. The contents of the filing shall be verified by the filing party before a notary public.

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Section 421.40 Customer Billing Disclosure Statements

a) Every utility and ARES shall, on at least a quarterly basis, provide in billing inserts the following information, in a clearly legible manner, to the maximum extent practicable:

1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.

A) The percentage used shall be rounded to the nearest whole number.

B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".

C) This table shall be as depicted in Exhibit A.

2) A pie-chart that graphically depicts the information in subsection (a)(1) shall also be provided.

A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart.

B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.

C) This pie-chart shall be as depicted in Exhibit B.

3) A table shall be provided that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).

A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).

B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).

C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft³/1,000 kWh).

D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".

E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections

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(a)(3)(B) and (C).

F) A note shall be placed below the table and footnote and read as follows: "Additional information on companies selling electrical power in Illinois may be found at the Illinois Commerce Commission's World Wide Web site (www.icc.state.il.us)."

G) This table and footnote shall be as depicted in Exhibit C with the addition of the note in subsection (a)(3)(F).

4) The information provided in a separate billing insert, or in the alternative, a box surrounding the consumer information shall be displayed with the following notation: "The disclosure of this information is required under Section 16-127 of the Electric Service Customer Choice and Rate Relief Law of 1997 and the rules of the Illinois Commerce Commission, 83 Ill. Adm. Code 421."

5) Any other information the utility or ARES believes to be relevant to the information required may be provided in the inserts, but outside of the box surrounding the information required by subsections (a)(1), (2), and (3).

6) A utility or ARES that has received the permission of the Commission to use postcard billing as of January 1, 1998 may disclose the required information to customers on a postcard sent at the same time as a customer's bill so long as that utility or ARES continues to use postcard billing.

7) A utility or ARES mailing a separate billing insert shall identify itself on the insert.

8) The separate billing inserts shall be clearly printed in a font no smaller than 12 points and shall be at least 6" x 9" in size. Beginning January 1, 1999, the information in subsections (a)(1), (2), and (3) shall be provided with customer bill mailings beginning with the first billing cycle of April, July, October, and January.

1) Information for the 12 month period ending March 31 of each year shall be included in July bills issued that year; information for the 12 month period ending June 30 of each year shall be included in October bills issued that year; information for the 12 month period ending September 30 of each year shall be included in bills issued in January of the following year; and information for the 12 month period ending December 31 of each year shall be included in bills issued in April of the following year.

2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.

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Section 421.EXHIBIT A Table of Sources of Electricity

Sources of Electricity Supplied
for the 12 months ending
mm dd yy

Percentage of Total

Biomass power	
Coal-fired power	
Hydro power	
Natural gas-fired power	
Nuclear power	
Oil-fired power	
Solar power	
Wind power	
Other resources	
Unknown resources purchased from other companies	
TOTAL	

ILLINOIS REGISTER

14375

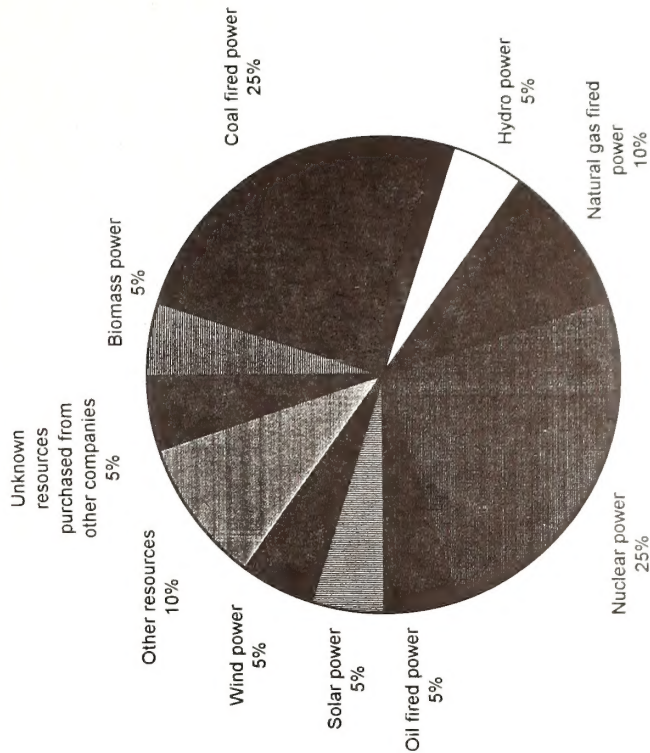
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Section 421. Exhibit B Sources of Electricity Supplied

Sources of Electricity Supplied
for the 12 months ending mmm dd yy



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Section 421.EXHIBIT C Emissions and Nuclear Waste Table

AVERAGE AMOUNTS OF EMISSIONS

and	
AMOUNT OF NUCLEAR WASTE	
per 1000 kilowatt-hours (kWh)	
PRODUCED FROM KNOWN(1) SOURCES	
for the 12 months ending mm dd yy	
Carbon Dioxide	YY lbs
Nitrogen Oxides	YY lbs
Sulfur Dioxide	YY lbs
High-Level Nuclear Waste	YY lbs
Low-Level Nuclear Waste	YY ft(3)

FOOTNOTE

- (1) xx% of the total electricity supplied was purchased from other suppliers and the amounts of emissions and amount of nuclear waste attributable to producing this electricity is not known and is not included in this table.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: School Based/Linked Health Centers2) Code Citation: 77 Ill. Adm. Code 2200

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2200.10	New Section
2200.20	New Section
2200.30	New Section
2200.40	New Section
2200.50	New Section
2200.60	New Section
2200.70	New Section
2200.80	New Section
2200.90	New Section
2200.100	New Section
2200.110	New Section
2200.120	New Section
2200.130	New Section
2200.140	New Section
2200.150	New Section

- 4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Infant Mortality Reduction Act [410 ILCS 220] and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 8-30].

- 5) A Complete Description of the Subjects and Issues involved: The mission of school based/linked health center (SBLHCs) is to make it easier for students to receive health care and to improve the physical and emotional health of students by teaching them life-long health habits. They promote healthy lifestyles through health education and provide available, accessible medical and mental health services to students who are unable to receive medical care when they need it and to students who come from families that cannot afford health care. School Based Health Clinic Guidelines, implemented in 1986, were put in place as a guide for the school based health centers funded by the Illinois Department of Public Health. The guidelines were used as the basis for planning, development, monitoring, evaluation and quality assurance. Guidelines of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists must also be adhered to.

The guidelines provided a mission statement and standards to be followed in areas such as community outreach; administration and organizational structure of the center including health center to students; confidentiality of services; standards of professional work; maintenance of records; health education requirements; release of information/referral

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED RULES
TITLE 77: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER J: SCHOOL-BASED/LINKED HEALTH CENTERS
PART 2200
SCHOOL-BASED/LINKED HEALTH CENTERS

Section	Definitions
2200.10	Introduction
2200.20	Organizational Structure
2200.30	Policies and Procedures
2200.40	Compliance Standards
2200.50	Scope of Services
2200.60	Staffing Standards
2200.70	Access Standards
2200.80	Student Identification
2200.90	Data, Medical Record Keeping, Exchange and Confidentiality
2200.100	Care Coordination
2200.110	Student Rights and Responsibilities
2200.120	Quality Improvement Standards
2200.130	Marketing and Community Outreach
2200.140	Finance
2200.150	

AUTHORITY: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Infant Mortality Reduction Act [410 ILCS 220] and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 8-30].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 2200.10 Definitions
Clinical Laboratory Improvement Amendments (CLIA) of 1998 - Conditions that laboratories must meet to be certified to perform testing on human specimens.
Clinically Trained Mental Health Practitioner - Master's level social worker, psychologist, certified psychiatric nurse, or mental health staffer (bachelor-prepared social worker or psychology major working toward master's preparation). (See 225 ILCS 20, 225 ILCS 15, 225 ILCS 55.)
Department - Illinois Department of Human Services.
Managed Care Entity (MCE) - Health Maintenance Organization (HMO) or

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and physical plant. As a result of this proposed rulemaking, the guidelines will now be put into actual rule form.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
(217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

prepaid health entity under contract with the Illinois Department of Public Aid.

Nurse Practitioner - A certified nurse practitioner, preferably with a master's degree and a background in school health, pediatrics, family nursing and/or family planning who is licensed under the Illinois Nursing Act of 1987 [225 ILCS 65].

Parent - Individual who is legally responsible for custody of the child.

Physician Assistant - Any person not a physician nor a person holding an M.D. or equivalent degree who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act [225 ILCS 95].

Qualified Physician - A physician licensed to practice medicine in all of its branches in the State of Illinois under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - A nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65].

School-Based/Linked Health Center (Center) - Any Center in or adjacent to a school that is devoted primarily to performance of preventive medical, educational, counseling, and/or diagnostic procedures. A comprehensive school-based Center may provide a wide variety of preventive services including general health assessments, school/sports physicals, Early Periodic Screening Diagnostic Testing (EPSDT), laboratory and diagnostic screenings, immunizations, first aid, family planning counseling and services, prenatal and postpartum care, dental services, drug and alcohol abuse counseling, and other services based on the student's needs and on the philosophy of the managing agency and school administration.

Sponsoring Agency - A local health department, a school district recognized by the State Board of Education and/or a community-based not for profit agency, that has a history of providing comprehensive school health services.

Substance Abuse Prevention/Intervention Specialist - An individual who has completed a formal education process in addiction therapy and who is certified by the Illinois Association of Drug and Alcohol Professional Counselors Association (IADAPCA) and who is licensed under the Professional Counselor and Clinical Professional Counseling Licensing Act [225 ILCS 107].

DEPARTMENT OF HUMAN SERVICES

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Section 2200.20 Introduction

a) The purpose of the Center is to improve the overall physical and emotional health of students by promoting healthy lifestyles and by providing available and accessible preventive health care when it is needed.

b) The specific goals of the Centers are to improve student knowledge of preventive health care; provide early detection of chronic disorders and early treatment of acute health problems; improve decision-making about health matters; reduce risk-taking behaviors; develop health promoting behaviors; provide preventive care; provide initial emergency treatment of injuries and illness with appropriate subsequent referral; detect signs of emotional stress and psycho-social problems for treatment, counseling or referral; facilitate students' use of health care systems by establishing links with primary health care providers; and promote continuing comprehensive health care for students of all ages.

c) The Center is located in the school or on school grounds, serving minimally the students attending that school. The Center may agree to serve additional students per its application. A school-linked health center located off school grounds must have a formal agreement to serve students attending one or several schools within the district.

Section 2200.30 Organizational Structure

The Center is organized and administered in a manner that ensures that it serves the health and health related needs of students in a high quality and cost-effective manner, promotes easy access to services, provides students with linkage information for after-hour service needs, assists students in learning how to appropriately utilize services within and outside the Center, and works with the student's primary care provider and insurer or managed care entity (MCE) to facilitate continuity of care.

a) The Center must establish and maintain an Advisory Board whose main purpose is to advise, make recommendations, and provide community support and feedback. The Advisory Board must be established before the Center is opened.

1) The board will include a minimum of eight members representing the following areas: school administration, school nurse, students, the medical community, the local health department, parents, clergy, youth service agencies and community leaders.

2) The board will meet not less than annually.

A) Meetings will be documented with written minutes.

B) The written minutes will be maintained at the Center for Department inspection.

b) **Ownership**

The name and address of each person/organization with financial interest in the Center shall be submitted to the Department along with proof of adequate liability coverage for staff, clients, and facility.

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c) Organizational Chart

- 1) An organizational chart must be kept on hand that:
 - A) outlines the role of the back-up provider(s), the Center, and the school.
 - B) reflects a clear line of authority for the Center.
- 2) The organizational chart must be reviewed at least annually and revised as needed.
- d) Organizational plan
 - 1) The organizational plan shall be maintained in the Center and made available for public information.
 - 2) The plan sets forth the organization, duties, responsibilities, accountability, and relationship of professional school and Center staff and other personnel.
 - 3) All owners, administrators, professional staff, and ancillary personnel shall act in accordance with the policies and procedures.
 - 4) The plan shall be submitted to the Department with the initial application and will be reviewed during regular site visits by Department staff.

Section 2200.40 Policies and Procedures

- a) At a minimum the Center must have the following written policies set forth and in place:
 - 1) Non-discrimination, confidentiality, parental consent, student rights/responsibilities, release of information, conflict of interest/disclosure, equal opportunity employment, Americans With Disabilities Act, disaster and fire safety, and quality assurance.
 - 2) The Job descriptions that define the qualifications, responsibilities and supervision of all health center personnel.
- b) The policies and procedures must be reviewed and updated at least annually. The review must be acknowledged in writing.

Section 2200.50 Compliance Standards

- a) All medical services must be in compliance with the American College of Obstetricians and Gynecologists (ACOG), American Academy of Pediatrics (AAP) and American Academy of Family Practice (AAFP).
- b) Regulatory agency guidelines established by the following entities must also be adhered to: Occupational Safety and Health Administration (OSHA), Illinois Departments of Public Health, Public Aid, and Human Services (IDPH, IDPA, DHS) and Managed Care Entities (MCEs), 1997 National Committee for Quality Assurance Accreditation (NCQA) Standard effective April 1, 1997.
- c) Laboratory services must be in compliance with the Clinical Laboratories Improvement Act (CLIA). Medical record maintenance will be in compliance with the "Problem-Oriented Medical Record System and

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Medical Record Management Guidance" (1980), issued by the U.S. Department of Health, Education and Welfare.

Section 2200.60 Scope of Services

The Center provides comprehensive primary and preventive physical, mental health, and health education services for children and adolescents within the context of their family, social/emotional, cultural, physical and educational environment. Some services, based on local need and expertise, may be made available by referral with appropriate follow-up. As determined by community needs, the Center will provide the following services:

- a) Medical Services
 - 1) Basic medical services include:
 - A) well child or adolescent exams, consisting of a comprehensive health history, complete physical assessment, screening procedures and age appropriate anticipatory guidance
 - B) immunizations
 - C) health education
 - D) nutrition counseling and education
 - E) the preventive services specified by the federal Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program
 - F) the services specified by the Guidelines for Adolescent Preventive Services (GAPS) prepared by the American Medical Association
 - G) diagnosis and treatment of acute illness and injury
 - H) basic laboratory tests for pregnancy, sexually transmitted diseases (STDs), primary prevention
 - I) prescriptions and/or dispensing of commonly used medications for identified health conditions, in accordance with the Medical Practice Act of 1987 [225 ILCS 60] and the Pharmacy Practice Act of 1987 [225 ILCS 85].
 - J) acute management and on-going monitoring of chronic conditions, such as asthma, diabetes, and seizure disorders
 - 2) Reproductive health services provided directly or by referral based upon local Advisory Board approval:
 - A) abstinence counseling
 - B) gynecological examinations
 - C) diagnosis and treatment of sexually transmitted diseases
 - D) family planning
 - E) prescribing, dispensing, or referring for birth control
 - F) pregnancy testing
 - G) treatment or referral for prenatal and postpartum care
 - H) cancer screening and education
- b) Mental Health Services include:
 - 1) Basic mental health services
 - A) mental health assessment
 - B) individual, group, and family counseling

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- C) crisis intervention
- D) consultation with school administrators, parents, teachers and students
- E) violence prevention, education and intervention
- F) referrals to a continuum of mental health services, including emergency psychiatric care, community support programs, and inpatient and outpatient programs
- 2) Substance abuse services include:
 - A) assessment of substance abuse problems
 - B) education regarding substance abuse prevention
 - C) referrals to a continuum of substance abuse services, including intervention and treatment services
 - D) supportive counseling for students recovering from substance abuse

c) Optional Services include:

- 1) dental screening and treatment
- 2) well child care of students' children
- 3) care of faculty, siblings and other community members

d) Health Education/Promotion

- 1) Basic health education services may be provided in the following format:

- A) individual health education and anticipatory guidance for students and parents
- B) group education at the Center
- C) family and community education
- D) health education for the Center and school staff
- E) support for comprehensive health education in the classroom

2) Areas to be covered may include:

- A) intentional and unintentional injury prevention
- B) substance abuse prevention and cessation
- C) nutrition counseling and education
- D) social skills development
- E) self esteem
- F) depression/suicide
- G) physical and emotional development
- H) conflict resolution
- I) human sexuality
- J) child abuse prevention
- K) child care
- L) violence prevention (including domestic violence, date rape, sexual assault)
- M) STD/HIV/AIDS prevention
- N) pregnancy prevention
- O) smoking prevention/cessation (including smokeless tobacco)
- P) chronic disease prevention
- Q) general parenting skills
- R) family planning
- S) abstinence education

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- T) parental stress

e) Eligibility

- 1) All students in the schools under the age of 18, are eligible for services if they have obtained written parental consent. (See 410 ILCS 210/1, 2, 3 and 4.)
- 2) All students 18 years of age, and/or who are otherwise able to give their own consent are eligible for the services. (See 410 ILCS 210/1, 2, 3 and 4.)

f) Emergencies

- 1) The school administrator and/or school nurse must be notified before a student is transferred to any nearby hospitals and/or emergency departments.
- 2) The parents are to be notified of any emergencies involving their children.
- 3) A plan outlining emergency procedures, including the transferring of students to outside medical facilities, is to be completed in written form and kept at the Center.

- A) The procedure will outline the steps necessary for referring students to community-based health care providers when the Center is not able to provide the required services.
- B) The Center is to coordinate the student's medical information being exchanged between the Center and the student's primary care practitioner, medical specialist or MCE.

g) Child Abuse/Mandated Reporting

- 1) Mandated reporters are professionals who may work with children in the course of their professional duties. (See 325 ILCS 5/4.)
- 2) Mandated reporters are required to report suspected child maltreatment immediately when they have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. (See 325 ILCS 5/4.)

Section 2200.70 Staffing Standards

The Center must deliver care to students by Illinois licensed, registered and/or certified health professionals who are trained and experienced in community and school health, and who have knowledge of health promotion and illness prevention strategies for children and adolescents. The Center's sponsoring agencies ensures that all providers are appropriately credentialed.

a) Recommended on-site Center staff include the following:

- 1) Nurse practitioner or physician assistant who must operate under the standing orders of a physician (family practitioner or pediatrician);
- 2) Consultant or back-up physician (family practitioner, pediatrician or adolescent specialist) who has equivalent practice privileges in at least one licensed Illinois hospital, can provide medical consultation and referral, ensures compliance

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with the policies and procedures pertaining to medical and surgical procedures, and signs standing orders/protocols for mid-level practitioners and observes the same in practice;

- 3) Clinically trained mental health practitioner (master's level social worker, psychologist, certified psychiatric nurse, or mental health staff (bachelor prepared social worker or psychology major working toward master's preparation)) to provide individual assessment, treatment, and referral, as well as group and family counseling;
 - 4) Medical receptionist/secretary and/or medical support staff (health aide, medical assistant, or licensed practical nurse) to maintain medical records, collect and enter data, bill for services, make appointments and greet students;
 - 5) Certified and licensed substance abuse prevention/intervention specialist; and
 - 6) Health educator, dentist/dental hygienist, nutritionist.
- b) The staff is assigned responsibilities consistent with their education and experience, supervised and evaluated annually, and trained in the policies and procedures of the Center.
- c) The staff must participate in minimal, annual ongoing professional development programs to update and enhance their knowledge of community and school health promotion, illness prevention, and health strategies for children and adolescents. Documentation must be available in personnel records or a continuing education file.
- d) The staff must be currently trained in emergency care, including general first aid, cardiopulmonary resuscitation, and the Heimlich maneuver.
- e) The Center must have a written emergency plan for disasters and for crisis interventions that is consistent with the school's plan and coordinated with the community emergency response system. The staff must be trained in implementing these plans.
- f) The Center that contracts with an outside agency for the provision of mental health and/or substance abuse services must assure that the contracting agency has experience in providing care to children and adolescents, is duly licensed if subject to licensure, and has adequate liability coverage.
- g) The Center will document in the student's record that a referral was made and indicate follow up on the outcome of the referral, when relevant, and the health care provided by the Center.

Section 2200.80 Access Standards

The Center must establish procedures for the availability of primary care providers and for access to routine, urgent and emergency care, telephone appointments and advice.

- a) Availability of Services
 - 1) The Center operations must ensure that:
 - A) the facility provides 24 hour coverage, 12 months a year;

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- B) services are accessible either on-site or through formal referral;
 - C) services are convenient to students and include, as necessary, before or after school hours;
 - D) working parents, to the maximum extent possible, are accommodated in the health care of their children;
 - E) urgent appointments can be handled within the same day and/or the following day;
 - F) scheduled appointments do not unnecessarily interrupt the student's classroom time;
 - G) services are available in multiple languages as appropriate for the student population;
 - H) non-urgent appointments are offered within seven days or through formal referral;
 - I) no medical experimentation or invasive research is done on students; and
 - J) telephone answering methods are in place to notify students and parents where and how to access 24 hour back-up services when the Center is not open.
- 2) The Center, in response to the cultural and language needs of the student body, must ensure that staff are educated in cultural diversity and that interpreting and translation services are provided by staff or interpreters in a manner that ensures confidentiality.
 - 3) The Center cannot deny access to health care services to students based upon insurance status or ability to pay.
 - 4) The Center cannot discriminate with regard to race, color, religion, national origin, age, handicap or sex. (See 775 ILCS 5/1-102.)
 - 5) The Center must be accessible to students with disabilities and conform to requirements of the Americans With Disabilities Act (42 USC 12204; 36 CFR 1191).
 - 6) The Center must provide services to students in a manner that ensures the student's and his/her family's right to privacy.
- b) Physical Plant
 - 1) The Center must include an adequate waiting and reception area, office space, private examination and treatment rooms, secure medical record area, and pharmaceutical and supply storage area (office, medical, sterile equipment). The reception area shall include comfortable chairs, educational materials, pamphlets and a bulletin board. If laboratory procedures are performed, adequate space for necessary lab equipment and supplies must be available. (See 42 CFR 493.)
 - A) Each examining room shall have a screen or door to permit privacy, an examination table with suitable disposable covers, an examination light, a sink equipped for hand washing with paper towel dispenser, waste receptacle, a storage cabinet, a stool and a counter or shelf for writing.

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- B) If dental services are provided, each Center shall have at least one dental operatory included as a component of its facility.
- C) The Center shall have the following equipment available: microscope, sphygmomanometer; stethoscope; measuring tape; reflex hammer; ophthalmoscope; scale; supplies for obtaining wet slide preparations and bacterial smears, specimens, cultures and cytologic studies; and a centrifuge for hematocrit.
- D) Meeting space shall be available within or near the Center.
- E) Adequate space shall be provided for staff personal belongings.
- F) A multi-purpose room shall be available for conferences and health education purposes, including provision for showing visual aids to individuals and/or groups.

2) The Center must comply with laws and regulations governing health facilities.

A) The Center staff must have training, supplies and equipment necessary to follow infection control practices as defined by OSHA. (See 29 CFR 1910.1030.)

B) The Center must comply with laws and regulations regarding reportable disease conditions and employee Centers for Disease Control and Prevention (CDC) health policies.

C) The Center must comply with CLIA regulations regarding laboratory operations. (See 42 CFR 493.)

3) The Center must have current fire and building safety certificates and appropriate liability coverage.

4) The Center must provide adequate space to ensure student confidentiality and privacy during exams and/or counseling sessions.

5) If the Center is located in a separate building from the school, the entrance must be sheltered from the weather and must meet all physical plant requirements of a Center plus the following:

A) engineering service and equipment areas shall have sufficient space for boilers, furnaces, mechanical equipment and electrical equipment;

B) waste processing services shall be provided for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, removal or a combination of these techniques;

C) storage rooms for building maintenance supplies and yard equipment shall be provided; and

D) janitor's closets shall be provided with a floor receptor or service sink.

6) All pharmaceuticals are to be kept in a locked cabinet or locked refrigerator (if indicated). The physician, nurse practitioner, or physician assistant and staff nurse are the only personnel who may have access to medications. Narcotics will not be kept at the

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Center. Pharmaceuticals shall be stored and dispensed appropriately and inventoried as required by the Pharmacy Practice Act of 1987 [225 ILCS 85].

7) A Center shall develop standing orders and protocols for its nurse practitioner and/or physician assistant and medical director. Protocols for medical treatments must be reviewed and updated annually (signed acknowledgment must be available).

Section 2200.90 Student Identification

The Center must develop a collaborative relationship with other health care providers, insurers, managed care entities, the school health program, students and parents/guardians with the goal of reducing duplication of services, fragmentation of care or discontinuous care.

a) The enrollment and registration processes must provide for effective collection of information regarding third-party billing resources and the identity of primary care providers. The Center may not deny access to care to students without insurance.

b) At the point of initial contact and/or any subsequent contacts with the student/family, efforts must be made to obtain current information on whether the student is a member of an MCE and/or recipient of services provided through a school-based/linked health center. This may be accomplished in the following ways:

- 1) contact with the primary care physician;
- 2) a question appears on the application;
- 3) the service provider solicits the information from the student at the time of contact;
- 4) a copy of the Medical Assistance Program Card or other insurance card, is requested;
- 5) the parent is contacted (school or home visit);
- 6) the parent and/or child consent (child release vs. parental release) to the Center obtaining the information (see 410 ILCS 210/1, 2, 3 and 4);
- 7) written policies are on-site regarding parental consent for treatment for easy reference by Center staff;
- 8) the Illinois Department of Public Aid hotline (800-226-0768) may be contacted regarding assignment; the child's name, date of birth, address and Medical Assistance program number (if known) will be necessary in order for the hotline staff to make the determination of assignment.

Section 2200.100 Data, Medical Record Keeping, Exchange and Confidentiality

a) The Center will develop a health record system that provides for consistency, confidentiality, storage and security of records for documenting significant student health information and the delivery of health care services. (See Problem-Oriented Medical Record System and Medical Record Management Guidance, U.S. H.E.W., 1980; NCCA, April 1,

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1997.)

- 1) The Center must maintain a single confidential medical record for each student receiving services. The medical record must be kept in a physically secure manner that protects it from unauthorized use.
- 2) The Center's health records must be maintained in a manner that is current, detailed, confidential and organized, and promotes effective student care.
- 3) The Center may separately maintain medical records needing a higher level of confidentiality, including, but not limited to, mental health, substance abuse, family planning and HIV testing records, provided that there is an effective cross referencing system. Access to such records must be restricted to authorized personnel.
- 4) The Center must have written policies that address exchange of health information verbally and/or faxed to insurers, managed care entities and the student's primary care physician.
- 5) The Center's health records must contain sufficient information to justify the diagnosis and treatment and to accurately document all health assessments and services provided to the student, including:
 - A) a signed consent for treatment identifying services that may be provided in the Center;
 - B) the student's name and ID number on each page in the record;
 - C) personal/biographical data including address, home telephone, work phone for parent(s), type of insurance, managed care entity's name/telephone number and emergency contact;
 - D) health care provider identification;
 - E) dated entries;
 - F) legible records (errors in charting shall have a single line drawn through, with the date and practitioner's initials written above);
 - G) significant illnesses and medical conditions;
 - H) medication allergies and adverse reactions prominently noted in the record; if no known allergies or history, note appropriately;
 - I) appropriate notations concerning use of cigarettes, alcohol and illegal substances, and other high-risk behaviors;
 - J) written history and physical documents with appropriate subjective and objective information for presenting complaints;
 - K) laboratory and other studies ordered, as appropriate, with documented results/findings;
 - L) working diagnoses consistent with findings;
 - M) treatment plans consistent with diagnoses;
 - N) encounter forms or notes with specifics regarding referrals, release of information, follow-up care, calls or visits;

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- O) student's refusal of recommended treatment;
 - P) notation of unresolved problems from previous office visits addressed in subsequent visit;
 - Q) record of after-hours care (e.g., emergency room utilization);
 - R) if a consultation is requested, a note regarding the results of the consultation;
 - S) consultation, lab and imaging reports filed and initialed by primary care provider;
 - T) evidence that potential risk to the student from diagnostic or therapeutic procedure has been discussed and student's response;
 - U) evidence that preventive screening and education services are offered in accordance with the Center's or its sponsoring agencies' practice protocols;
 - V) a record of prescriptions obtained from and/or provided by the Center;
 - W) signed release of information forms, as appropriate, that are dated, identify what is to be released and to whom, and length of time consent covers and/or is valid;
 - X) restricted release information practices (i.e., family planning, STDs, substance abuse, mental health) conforming to federal governing laws. (See 325 ILCS 10/1, 410 ILCS 210/1, 2, 3, 4 and 5, 410 ILCS 70/5, 410 ILCS 305/9k, 410 ILCS 325/3, 405 ILCS 5/3-500-510.)
- 6) The Center will request information regarding previous health history at the time of enrollment to be included in the health record, including:
- A) past medical and psychological history, including serious accidents, operations, illnesses, prenatal care, births, substance abuse and mental health needs;
 - B) immunization records.
- 7) Records shall not be removed from the Center.
- b) The Center shall protect the confidentiality of student information and records in the following ways:
- 1) Written confidentiality policies and procedures shall be implemented to protect the student's and his/her family's right to privacy;
 - 2) Students shall be afforded the opportunity to approve or refuse the release of identifiable personal information by the Center, except when such release is required by law; and
 - 3) The Center's contracts with practitioners and health plans shall explicitly state expectations about the confidentiality of student information and records.
- c) The Center must implement procedures ensuring that cross-referencing of medical records within the medical record system is possible at all times.
- d) The Center shall ensure that its health records are compatible with

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- e) the medical record system of its sponsoring provider agencies.
- The Center must lock and otherwise maintain records and copies of records in a secure manner that protects them from unauthorized use. The Center must have policies for identifying who shall have access to health records. The Center health records must be maintained separately from school records.

Section 2200.110 Care Coordination

- a) The Center shall develop collaborative relationships with other health care providers and insurers/managed care entities and have a written linkage agreement with MCEs whose enrollees are served by the school-based/linked health center. At a minimum, the agreement must include:
- 1) outline of the services provided and the role of the Center;
 - 2) description of the processes and procedures for coordinating student care; and
 - 3) description of the mechanisms for exchanging key medical and outcomes information with the MCE and a student's primary care physician (PCP), while maintaining confidentiality, including:
 - A) written policies addressing student and/or parental consent to share student health care information in order to coordinate care with the MCE or PCP;
 - B) payment mechanism.
- b) Policies and procedures should be in place to assure communication and exchange of key medical data/information between the Center and a student's MCE and PCP to effectively coordinate care.
- 1) Policies should describe how service and/or procedure duplications will be avoided (e.g., particular efforts to coordinate the provision of health maintenance and preventive care/testing).
 - 2) Procedures should describe how medical data/records are shared with the PCP and MCE, while adhering to confidentiality regulations.
 - 3) Processes should be in place to assure medical information is exchanged on an agreed upon schedule and on an as needed basis (i.e., monthly for routine visits/care and at the time of care, by phone or fax, for urgent or emergency situations).
 - 4) Procedures should be in place to allow immediate access to shared data in the case of emergencies or urgent situations.
 - 5) Policies should be developed and agreed to by both the Center and the MCE regarding the format and types of data to be exchanged in coordinating care.
- c) The Center must develop a systematic process for referring students to their assigned PCP for referral for specialist care when the Center is not able to provide the services required by the student.
- 1) The Center should work with the MCE and PCP to develop a mechanism for linking referral information, student health care

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- information and outcomes of the referral between the Center and PCP.
- 2) The Center will document and provide the PCP with agreed-upon referral background information (e.g., reason for referral, onset of symptoms).
 - 3) The Center will develop procedures to document and share with the MCE/PCP outcomes of follow up care, where appropriate.
 - 4) MCE/PCP will develop a mechanism for sharing the outcomes of any referrals.
 - d) The Center will work with the MCE and/or PCP in targeted outreach efforts (i.e., for services that the Center is able to provide).
 - 1) The Center will collaborate with the MCE in developing mechanisms to conduct outreach for the student population (e.g., immunizations, health education, prenatal care).
 - 2) The Center will develop procedures for collecting and sharing with the MCE/PCP information provided as a part of the outreach program (e.g., forwarding immunization data).
 - 3) The Center and the MCE/PCP will collaborate on evaluating outcome data.
 - e) Each Center shall define its relationships with external organizations, designate staff responsibility for key functions, and appoint a primary contact to maintain open lines of communication with each organization. Key external agencies and organization may be:
 - 1) community agencies, including local health departments, mental health agencies and social service agencies; and
 - 2) health plans or community clinics.

Section 2200.120 Student Rights and Responsibilities

- a) The rights and responsibilities of enrolled students and their families will be clearly defined in a written statement and translated into the languages of the major population groups served. This written statement is provided to students and their families at the time of Center enrollment and is provided to all Center staff at the time of employment.
- b) The Center will demonstrate its commitment to treating students in a respectful manner through a written statement of principles that recognizes the following rights of enrolled students.
 - 1) Students have a right to receive information about the Center, its services, its practitioners and providers, and students' rights and responsibilities.
 - 2) Students have a right to be treated with respect, courtesy and a recognition of their right to privacy.
 - 3) Students have a right to be told about their proposed treatment plans and to participate with practitioners in decision-making regarding their health care (including the right to refuse treatment).
 - 4) Students have a right to voice complaints about the Center or the

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care provided, through an established system that ensures a prompt response.

- 5) Students have a right to review their written record.

c) The Center must have a written policy that addresses student responsibilities for cooperating with those providing health care services. The written policy addresses the following student responsibilities.

- 1) Students have a responsibility to provide, to the extent possible, accurate information that the Center staff requires in order to care for them.

- 2) Students have a responsibility to follow the plans and instructions for care that they have agreed upon with their practitioners.

- 3) Students have a responsibility to treat Center personnel with courtesy and respect.

d) The Center must inform prospective and enrolled students and their families about services provided, access to services, charges and scheduling.

e) Students and their families must be informed that benefits, services, notification and payments required by their insurer or MCE may differ from those of the Center.

f) Students and their families must be provided a written statement that includes the following information:

- 1) The Center's policy on referrals for specialty care;
- 2) The provision for after-hour and emergency coverage;
- 3) The points of access for primary care, specialty care and hospital services;
- 4) Benefits and services that are included in the Center's services and how to obtain them, as well as how to access services not provided (e.g., PCP, MCE, additional health services);
- 5) Charges to enrolled students and families, if applicable, including policy on payment of charges and co-payments and fees for which the enrolled student is responsible;
- 6) Procedures for voicing complaints or grievances, and for recommending changes in policies and services; and
- 7) Procedure to obtain the names, qualifications and titles of the professionals providing or responsible for their care.

Section 2200.130 Quality Improvement Standards

The Center, in conjunction with the school district and/or MCE, will develop and implement a quality improvement program that monitors and evaluates the appropriateness, effectiveness and accessibility to the services it provides; the quality of services provided to the students; and the positive/negative health outcome effects.

- a) A quality improvement plan with clearly-defined goals, objectives and work plan will be established, approved by the appropriate governing body and reviewed annually.

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b) The quality improvement plan shall identify who is responsible for monitoring and evaluation and for the data management quarterly report. The quarterly report shall, at a minimum, provide the following information:

- 1) Number of students served (unduplicated)
 - 2) Sex
 - 3) Age
 - 4) Race
 - 5) Number of Center encounters
 - 6) Year-to-date Center enrollment
 - 7) Type of services rendered
 - 8) Medical referrals and outcomes
 - 9) Social Service referrals and outcomes
 - 10) Delivery and outcome information (i.e., type of delivery, birth weight, Apgar scores and maternal and infant complications)
 - 11) Dental referrals and outcomes.
- c) A copy of the quarterly report must be submitted to the Department within 30 days after the end of the quarter.
- d) A qualified individual will be designated as the person responsible for the implementation of each quality improvement plan.
- e) The Center must comply with the data collection requirements of outside regulatory agencies, as well as the insurers or MCEs of their students. This data will include but not be limited to the delivery of preventive health care services according to the EPSDT periodicity schedule; immunizations and prenatal care; decrease in absenteeism; inappropriate emergency room utilization; violence; increase in high school graduation; pregnancy; infant mortality; member satisfaction; and rates of student drop out. Outcome studies related to teen pregnancies, school attendance, substance use, STD rates, and repeat pregnancies also will be completed.
- f) Quality improvement efforts will be based on findings from the quality measurement activities. Corrective action plans will be required and implemented by the Department.
- g) Quality improvement activities shall be continuous.

Section 2200.140 Marketing and Community Outreach

The Center shall routinely publicize services to the student body and the community. Marketing methods may include:

- a) contacts during the school registration process;
- b) attendance at PTA meeting;
- c) mailings, notes sent home to parents and intercom announcements;
- d) bulletin boards and posters;
- e) student newspapers and newsletters;
- f) workshop for teachers and other school staff;
- g) newspaper articles;
- h) community education offerings;
- i) flyers, posters;

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- j) radio and TV announcements;
- k) videos;
- l) open house;
- m) contests; and
- n) Center newsletters.

Section 2200.150 Finance

The Center must operate under the budgetary requirements approved by the Department.

- a) The Center will maintain and adhere to all contracts for services with internal and external organizations and outside vendors.
- b) Management systems will be in place to maintain data reporting requirements and to enhance tracking of important student information.
- c) Billing procedures will conform to agreements established by contract with individual health plans, the Medicaid Program, health providers and the Department.
- d) Policies and procedures identifying mechanisms for data collection, data reporting, billing and payment between the Center and its contracted entities will be available.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Subordinated Indebtedness
- 2) Code Citation: 50 Ill. Adm. Code 201
- 3) Section Numbers: Proposed Action:
201.20 Amendment
201.50 Amendment
201.60 Amendment
- 4) Statutory Authority: Implementing Section 34.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/34.1 and 401].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments are being done to provide consistency with both NAIC codification of statutory accounting principles and other state practices. Part 201 is being amended to delete language in Section 201.20 that allows an artificial floor for repayment of subordinated indebtedness. With the advent of risk-based capital, this language is not needed. Additional language is also being added to Section 201.20 that will provide an additional safeguard for pre-payment without the Director's approval. And finally, Section 201.50 is also being amended to clarify the accounting for accrued interest.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this amendment contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis
Staff Attorney
Department of Insurance
320 West Washington
Springfield, IL 62767
217/782-2867

Mary Meyer
Paralegal
Department of Insurance
320 West Washington
(or)
Springfield, IL 62767
217/785-8220

DEPARTMENT OF INSURANCE

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes at the time of the regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER b: DOMESTIC STOCK COMPANIES

PART 201

SUBORDINATED INDEBTEDNESS

Section

- 201.5 Statutory Authority
- 201.10 Application and Effective Date
- 201.20 Approval of Debenture Form by Director Prior to Shareholder Approval
- 201.30 Approval by Shareholders
- 201.40 Consideration
- 201.50 Reporting and Accounting of Indebtedness
- 201.60 Repayment of Principal and Payment of Interest

AUTHORITY: Implementing Section 34.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/34.1 and 401].

SOURCE: Filed September 27, 1971, effective October 1, 1971; codified at 7 Ill. Reg. 2356; amended at 13 Ill. Reg. 14054, effective September 11, 1989; amended at 22 Ill. Reg. _____, effective _____.

Section 201.20 Approval of Debenture Form by Director Prior to Shareholder Approval

The subordinated indebtedness agreement (debenture) shall be submitted for the approval of the Illinois Director of Insurance (Director) as required by Section 34.1 of the Illinois Insurance Code [215 ILCS 5/34.1] ~~{iii--Rev--Stat--1987--ch--73--par--646--7. the agreement must state that neither principal nor interest--may--be--repaid--unless--after--such--payment--surplus--as--regards policyholders--is--equal--to--or--greater--than--surplus--as--regards--policyholders immediately--after--the--issuance--of--the--debenture. Under the submitted agreement, the obligation of the company under this debenture may not be offset or be subject to recoupment with respect to any liability or obligation owed to the company. No security agreement or interest, whether existing on the date of this debenture or subsequently entered into, applies to the obligation under this debenture. The following shall be submitted for the Director's approval prior to submission to the shareholders of the company:~~

- a) Duplicate copies of the entire debenture.
- b) Certified copy of the resolution of the board of directors or proper company body or committee which is empowered to authorize such agreements. This resolution shall stipulate the maximum amount of subordinated indebtedness authorized.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 201.50 Reporting and Accounting of Indebtedness

- a) The Director shall be notified immediately in writing upon the execution of any such debenture as to the amount thereof and to whom payable.
- b) All outstanding subordinated indebtedness and interest accrued thereon shall be reported separately in the Annual Statement on page 3 and in any other financial statements of the company as special surplus funds.
- c) The issuance and repayment of the debenture, as well as the payment of the interest thereon, shall be reflected as direct debits or credits to the Capital and Surplus Account of the company's financial statement.
- d) The interest expense incurred on the debenture during the current period shall be reflected as part of net income on the Statement of Income/Summary of Operations of the company's financial statements.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

- b) Any payment which reduces the company's surplus as regards policyholders beyond the amount permitted under Section 201.70 of this Part ~~hereof~~ must be immediately returned in lawful money to the company.

Section 201.60 Repayment of Principal and Payment of Interest

- a) A company may only repay principal and make payment of interest on any indebtedness as provided under Section 34.1 of the Illinois Insurance Code [215 ILCS 5/34.1]. No payment shall be authorized by the Director unless:
 - 1) The company's surplus as regards policyholders is reasonable in relation to its outstanding liabilities and adequate for its financial needs [the determination of the reasonableness and adequacy of surplus shall include consideration of the following factors: premium volume as referenced in Sections 144 and 244.1 of the Illinois Insurance Code (Code) [215 ILCS 5/144 and 244.1] (Rev-Stat-1987-ch-73-par-756--and--856); lines of business and additional authority as referenced in Sections 4, 11, 39, and 245.23 of the Illinois Insurance Code [215 ILCS 5/4, 11, 39, 245.23] (Rev-Stat-1987-ch-73-par-6167-6237 657--857-237 and Section 2-1 of the Health Maintenance Organization Act [215 ILCS 125/2-1]; (Rev-Stat-1987-ch-73-par-14037 reserves, company size and operational history as referenced in Section 113 of the Illinois Insurance Code [215 ILCS 5/113]) (Rev-Stat-1987-ch-73-par-7257), and
 - 2) Such payment will not reduce the company's surplus as regards policyholders to less than that currently required under Section 13 of the Illinois Insurance Code [215 ILCS 5/13] (Rev-Stat-1987-ch-73-par-6257, and
 - 3) Such payment is consistent with the terms of the debenture approved pursuant to Section 201.20 of this Part.

ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARD

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- | 1) <u>Heading of the Part: Intern Training Program</u> | 2) <u>Code Citation: 20 Ill. Adm. Code 1780</u> | 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|--|---|----------------------------|-------------------------|
| | | 1780.101 | New Section |
| | | 1780.102 | New Section |
| | | 1780.103 | New Section |
| | | 1780.104 | New Section |
| | | 1780.105 | New Section |
| | | 1780.201 | New Section |
| | | 1780.202 | New Section |
| | | 1780.203 | New Section |
| | | 1780.204 | New Section |
| | | 1780.205 | New Section |
| | | 1780.206 | New Section |
| | | 1780.207 | New Section |
| | | 1780.208 | New Section |
| | | 1780.209 | New Section |
| | | 1780.301 | New Section |
| | | 1780.302 | New Section |
| | | 1780.303 | New Section |
| | | 1780.304 | New Section |
| | | 1780.305 | New Section |
| | | 1780.306 | New Section |
| | | 1780.307 | New Section |
| | | 1780.308 | New Section |
| | | 1780.309 | New Section |
| | | 1780.310 | New Section |
| | | 1780.311 | New Section |
| | | 1780.312 | New Section |
- 4) Statutory Authority: 50 ILCS 705/1

5) A Complete Description of the Subjects and Issues Involved: These rules will provide the entrance requirements for civilians to enter the Intern Training Program sponsored by the Illinois Law Enforcement Training Standards Board. Civilians will be allowed to take the basic training course and State Certification Exam to be eligible for hire as a law enforcement officer.

- 6) Will these proposed rule replace an emergency rule currently in effect? No
- 7) Does this proposed rulemaking contain an automatics repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes

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- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): The objectives in this rulemaking is to provide law enforcement training to civilians at a cost born by the civilians. The ultimate objective is to provide law enforcement with a resource of previously qualified individuals for police duties. The rulemaking will not create or expand a State mandate or units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:
- Kevin T. McClain
Illinois Law Enforcement Training and Standards Board
600 South Second Street, Suite 300
Springfield, Illinois 62704
217/782-4540
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: When the 2 most recent regulatory agendas were filed, the Board did not anticipate this rulemaking.

The full text of the Proposed Rule begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT
TRAINING STANDARDS BOARDPART 1780
INTERM TRAINING PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
1780.101
1780.102
1780.103
1780.104
1780.105

Purpose and Scope
Definitions
Veracity of Information
Confidentiality of Information
Board Review

SUBPART B: ELIGIBILITY REQUIREMENTS

Section
1780.201
1780.202
1780.203
1780.204
1780.205
1780.206
1780.207
1780.208
1780.209

Participation in the Program
Minimum Background Requirements
Cognitive Testing
Psychological Testing
Background Investigation
Drug Testing
Wellness Standards
Cooperation with the Board
Financial Responsibility

SUBPART C: ADMISSION AND COMPLETION REQUIREMENTS

Section
1780.301
1780.302
1780.303
1780.304
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1780.310
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1780.312

Application
Filing Date of Application
Failure to Provide a Complete Application or Additional Information
Board Review
Signatures on the Application
Final Board Decision
Training Standards
Minimum Curriculum Requirements
Certification of Facilities
Standards and Requirements
Minimum Requirements of the Intern
Procedures for the Administration of the Law Enforcement Intern Certification Examination

APPENDIX A Physical Fitness Standards

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AUTHORITY: Implementing the Law Enforcement Intern Training Act [50 ILCS 708] and authorized by Section 10 of the Illinois Police Training Act [50 ILCS 705/10].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1780.101 Purpose and Scope

Unless otherwise indicated, the rules set forth in this Part provide the general requirements and procedures that are applicable for the training of all interns.

Section 1780.102 Definitions

The definitions of terms used in this Part are the same as those found in the Illinois Police Training Act (Act) [50 ILCS 705]. Notwithstanding subsection (a) of this Section, the following terms are defined for purposes of this Part:

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Application" means the application process including, but not limited to, those tests and procedures set forth by the Board and set forth in the Act.

"Certified Law Enforcement Intern" means a graduate law enforcement intern who has successfully completed the Intern Training Program and the State Certification Exam.

"Director" means the Executive Director of the Illinois Law Enforcement Training Standards Board.

"Intern" means a person who has been accepted into the Intern Training Program and is a civilian, and not employed as a law enforcement officer by a unit of local government.

"Intern Training Act" means the Law Enforcement Intern Training Act [50 ILCS 708].

"POWER test" means the physical fitness standards established pursuant to 20 Ill. Adm. Code 1720.30(h).

"Second Year Law Enforcement" means a certified law enforcement intern who has not been hired within the first year after successfully completing the Intern Training Program and the State Certification Exam.

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Section 1780.103 Veracity of Information

No person shall make any false or misleading statement, representation or certification of any record, report or any other document filed with the Board or required by the Board. In the event records, reports or other documents are determined to be not in compliance with this Section, the Board may take appropriate action, including, but not limited to, disqualifying, dismissing or prosecuting that person.

Section 1780.104 Confidentiality of Information

- a) Claims of confidentiality must be asserted at the time of submission, by stamping the words "Confidential Business Information" on each page containing such information. No information will be submitted to parties involved in litigation without subpoenas.
- b) Claims of confidentiality on the following information will be denied: Name and address of any person who receives funding; Financial data submitted to the Board in order to implement the program.
- c) Notwithstanding the provisions of subsection (a), the Board will adhere to the provisions of the Freedom of Information Act [5 ILCS 140]. Personal and private information may be acquired from the Board with the signed consent of the interested person.

Section 1780.105 Board Review

The Board shall be responsible for annually reviewing the curriculum of the Intern Training Program. The Board shall, as changes in the law or training techniques occur, make modifications to the Intern Training Program.

SUBPART B: ELIGIBILITY REQUIREMENTS

Section 1780.201 Participation in the Program

To be eligible to participate in the Intern Training Program, a person must meet the requirements as set forth in the Intern Training Act and this Part.

Section 1780.202 Minimum Background Requirements

- a) The Board shall establish minimum criteria and standards for all persons who wish to enter into and participate in the Intern Training Program.
- b) The Board shall establish minimum testing requirements that shall be considered as a whole in determining the eligibility of a person to enter the Intern Training Program. The minimum testing programs will include, but not be limited to, the following:
 - 1) Cognitive testing
 - 2) Psychological testing
 - 3) Background investigation

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- 4) Drug testing
- 5) POWER test

- c) The Board shall interview and evaluate each person for the Intern Training Program after the person has successfully met the testing criteria established in subsection (b).
- d) In addition to the above, the Board shall determine whether the person has met the requirements set forth in Section 15 of the Act.

Section 1780.203 Cognitive Testing

- a) The Board shall establish minimum testing requirements for those persons who wish to enter the Intern Training Program for cognitive testing.
- b) Cognitive testing shall demonstrate the person's ability in the following areas: reading, comprehension, situational judgement, memory and writing.

Section 1780.204 Psychological Testing

The Board shall establish minimum testing requirements for those persons who wish to enter the Intern Training Program to determine whether the person meets the minimum requirements established by psychological written examination.

Section 1780.205 Background Investigation

- a) The Board shall conduct a background investigation including, but not limited to, the criminal history check, financial credit check, driver's license check, verification of employment, verification of the residence, verification of education and verification of the requirements set forth in Section 15 of the Act.
- b) The person shall also be fingerprinted and checked for a complete criminal history background.

Section 1780.206 Drug Testing

A person must meet the necessary laboratory levels and criteria prescribed by the Board.

Section 1780.207 Wellness Standards

- a) Each person who wishes to enter the Intern Training Program shall successfully complete the Board's physical fitness tests before being allowed to enter the Intern Training Program.
- b) Prior to being allowed to attempt any part of the POWER test, each person who wishes to enter the Intern Training Program shall provide in writing to the Board, on a form approved by the Board, a medical release and authorization report signed by a licensed physician that indicates that physically the person who wishes to enter the program

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is fit medically to take the POWER test.

- c) Each person who wishes to enter the Intern Training Program shall be required to perform and successfully complete all of the Board's physical fitness tests in the sequence delineated in this subsection (c). The tests shall be as follows:

- 1) Every person shall meet the Board's sit and reach standard as defined in Appendix A.
- 2) Every person shall meet the Board's one minute sit-up standard as defined in Appendix A.
- 3) Every person shall meet the Board's benchpress standard as defined in Appendix A.
- 4) Every person shall meet the Board's 1.5 mile run standards as defined in Appendix A.

- d) If the person who wishes to enter the Intern Training Program fails to complete the requirements set forth in this Section, the person shall not be eligible to proceed with the Intern Training Program.

- e) A person who wishes to enter the Intern Training Program shall be allowed to successfully complete the requirements set forth in subsection (c) at test sites approved for the Intern Training Program within a reasonable time prior to the beginning of the Intern Training Program.

Section 1780.208 Cooperation with the Board

The intern shall cooperate with the Board to assist the Board in ensuring compliance with the Board's responsibilities under the Police Training Act and the Act. Such cooperation shall include, but not be limited to, providing the Board with consent forms necessary to do a thorough investigation as to the eligibility of the person to enter the Intern Training Program, and an ongoing consent authority to allow the Board to remain informed and apprised of the person's status and concurrence with Board established directives and procedures.

Section 1780.209 Financial Responsibility

A person who wishes to enter the Intern Training Program shall be 100 percent responsible for the payment of all costs and expenses associated with the administration and completion of his or her participation in the Intern Training Program. These expenses, which shall be incurred by the person who wishes to enter and complete the Intern Training Program, shall be established by the Board and shall include, but not be limited to, the application fee, the cost of testing, cost of travel, cost of payment for tuition, room, board and miscellaneous fees, the administration of the exam, physical fitness testing, doctors' reports, doctors' examinations, and any expenses associated directly or indirectly with the application for entry and completion of the program. In addition to the above, it shall be the responsibility of the person who enters the Intern Training Program to have adequate personal health insurance at all times and to hold harmless any trainer, institution or entity, including the

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State of Illinois, in the presentation of the program to the person.

SUBPART C: ADMISSION AND COMPLETION REQUIREMENTS

Section 1780.301 Application

- a) Persons who wish to enter the Intern Training Program shall submit a complete application in accordance with this Part.
- b) An application is complete when the Board receives an application from any person who wishes to enter the Intern Training Program that is needed by the Board in order to approve or deny an application in accordance with this Part.
- c) The completeness of any application shall be judged independently of any other application or activity.

Section 1780.302 Filing Date of Application

- a) An application shall be deemed filed on the date when the Board receives the application, unless the Board notifies the applicant within 30 days after the date of receiving the application that the application is incomplete and the reason the Board finds it incomplete.
- b) An application to enter the Intern Training Program shall be filed within the time periods prescribed by the Board.
- c) Additional information notwithstanding the person's filing of a complete application in accordance with this Part, a person shall, upon request by the Board:
 - 1) provide additional information necessary to determine whether the activities comply with the Act or this Part; or
 - 2) provide additional information necessary to clarify, modify or supplement previously submitted applications.

Section 1780.303 Failure to Provide a Complete Application or Additional Information

The Board may deny an application if a person fails to comply with this Part. In determining whether to deny an application, the Board shall examine the contents of the application and deny the application if the person fails to provide information the Board needs to review the application and conditionally approve the application if there are minor deviations from the requirements, such as minor technical or other informational deficiencies, that do not impede the Board's ability to judge the compliance of the application with the standards and procedures set forth in this Part.

Section 1780.304 Board Review

In reviewing an application, the Board must determine if the person is qualified to enter the Intern Training Program and acceptance of the person

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would be in the best interests of the public to promote and protect the health, safety and welfare of the public. The number of persons accepted into the Intern Training Program will be based, in part, but not limited to, the amount of money appropriated for training, the ability of Board certified facilities and instructors to train additional personnel, the cost to administer the training, number of other police officers to be trained in law enforcement programs, and the success of the program based upon the ability of interns to obtain employment once completing the Intern Training Program.

Section 1780.305 Signatures on the Application

- a) All applications shall be signed by the person and include such other signatures as the documents call for on their face.
- b) Any person signing a document required pursuant to any form or directive of the Board shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based upon my inquiry, and my personal knowledge, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false or misleading information, including the possibility of fine and imprisonment."

Section 1780.306 Final Board Decision

The Board shall notify the person who seeks to enter the Intern Training Program in writing after the Board decides to grant or deny entry into the Intern Training Program.

Section 1780.307 Training Standards

- a) The Board shall establish training standards and curriculum for the implementation of the Intern Training Program course.
- b) Except as provided for in Section 8.1 of the Illinois Police Training Act, every person who enters the Intern Training Program must successfully complete the Basic Training Program and State Certification Exam to be a Certified Law Enforcement Intern under this program.

Section 1780.308 Minimum Curriculum Requirements

- a) The Board shall review the Basic Training Course to update the minimum basic training requirements to ensure the course is of similar content and number of hours as the courses for law enforcement officers.
- b) The Board's mandated training course may be reviewed and modified at any time by the Board. Nevertheless, the approved curriculum will include, but not be limited to, the following:
 - 1) The elements required by the Peace Officer Firearm Training Act

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[50 ILCS 710]; and

- 2) Those curriculum courses and topics established in Section 7 of the Illinois Police Training Act [50 ILCS 705/7].

Section 1780.309 Certification of Facilities

The Board shall approve persons for the Intern Training Program on a case by case basis. Once a person has been approved to enter the Intern Training Program, the person will attend basic training at an approved Board certified academy.

Section 1780.310 Standards and Requirements

- a) Each Board certified academy with an Intern Training Program shall operate under the guidelines set forth in this Part.
- b) The director of the academy shall assume the responsibility of the overall supervision of the program, including, as determined by the Board, the maintaining and grading of tests, the maintaining of all records, rating of course notebooks, arranging for instructors as approved by the Board, providing for food and lodging where appropriate, arranging for adequate training facilities, such as firearms courses, gymnasiums, auditoriums, driving and running courses, and maintaining and overseeing the conduct and discipline of interns.
- c) The academy shall maintain complete records for each intern. The records shall include, but not be limited to, the attendance and performance ratings of the intern, including test scores for every written or oral test taken during the Intern Training Program course. All records gathered by the academy or other facilities approved by the Board shall be maintained in accordance with the State Records Act and, for purposes of this Part, shall be deemed to be the records of the Board and held confidential. No records shall be released, disseminated or published except through the Board and with the Board's permission.
- d) The director of the academy shall be responsible for submitting to the Director a class roster of all interns who attend the Intern Training Program. The director of the academy shall keep the Director informed of the progress and status of the interns during the program. The director of the academy shall make the final determination whether an intern has satisfactorily passed all reasonable standards and requirements during training. The director of the academy shall have the authority to dismiss from the Intern Training Program any intern who fails to comply with the standards established in this Part. Upon such dismissal action, the director of the academy shall submit a written report within seven calendar days to the Director. The intern shall have the opportunity within seven days after notification of dismissal to submit a written report to the Director describing the intern's version of the event. The Director has the discretion to

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determine whether the action of the academy director should be ratified.

Section 1780.311 Minimum Requirements of the Intern

- a) Regular attendance at all sessions is required. However, excused absences may be granted by the director of the academy under certain limited circumstances beyond the intern's control, which may include, but not be limited to, a death in the family, illness, disability, or a transportation breakdown. In order to successfully complete the course, absences shall not exceed ten percent of the total hours of instruction for any course of instruction.
- b) Maintenance of an adequate classroom notebook is required. Factors to be considered in rating the notebook are neatness, legibility, accuracy and sufficiency of content. "Adequate," for purposes of this subsection, refers to:
 - 1) Neatness. Concise organization of the notes. All notes and handouts will be placed in the book received during the course.
 - 2) Dividers into topics are required; and
 - 3) Legibility. Recording of notes in brief, clear complete sentences. Underlining the important items; and
 - 4) Accuracy. The notes taken in class must precisely reflect the content of the class; and
 - 5) Sufficiency of content. Recording in the intern's notebook should be in the intern's own words. The intern should strive to achieve condensation of the material clearly and concisely.
- c) Qualification in the use of firearms as required by the Peace Officer Firearm Training Act [50 ILCS 710] is required.
- d) An overall average of 70 percent must be achieved on all written examinations given during any course of training. Separate evaluation of any skill-oriented performance requirements shall be made by the designated director of the academy on a satisfactory/unsatisfactory basis.
- e) The director of the academy shall establish standards of conduct for the intern while he or she is taking the Intern Training Program. These shall include demeanor, deportment and compliance with the discipline and regulations of the facility or course. These standards shall be reviewed and approved by the Director prior to implementation.
- f) Each person shall provide, on a form prescribed by the Board, certification that he or she is a person of good character and has not been convicted of a felony offense or a crime involving moral turpitude. An intern shall immediately notify the Board in writing of all arrests and convictions while the intern is undergoing intern training.
- g) Each intern will bring such equipment and clothing to training sessions as is required by the Board.
- h) Persons who are accepted into the Intern Training Program must comply

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with all other laws and requirements set by federal or State law, including, but not limited to, having a Firearms Owner Identification card and valid State of Illinois driver's license.

- i) An intern shall pass the State Certification Examination to qualify as a certified intern under the Intern Training Act, except as is otherwise provided for in the Act.

- 1) The test shall be in writing. It shall be administered by the staff of the Board, or such other testing company or association expressly authorized by the Board; and
- 2) The Board shall establish a minimum passing score. In establishing the minimum passing score, the Board will ensure that the score reflects the knowledge and competency of the intern for law enforcement work. The minimum passing score will be established by the Board within the range of 60 to 80 percent of the total score. At the beginning of each training course the minimum passing score will be announced; and
- 3) The content of the test for interns may include, but not be limited to, material in the areas as specified in Section 7(b) of the Police Training Act and subjects covered in the Peace Officer Firearm Training Act [50 ILCS 710]; and
- 4) The content of the test for interns may include, but not be limited to, materials in the areas specified in 20 Ill. Adm. Code 1780.202; and
- 5) The Board shall review the content of the exam and minimum passing score to ensure they are current and reliable.

Section 1778.312 Procedures for the Administration of the Law Enforcement Intern Certification Examination

- a) The Certification Examination will be administered to all interns who successfully complete the Intern Training Program certified by the Board.
- b) Interns who successfully pass the Certification Examination shall be eligible to receive certification attesting to their successful completion of the Intern Training Program.
- c) Examination scores will be reported in writing to the intern within 14 days after the examination date.
- d) Only interns who have been certified by the Board as having met all the requirements of having successfully completed the Intern Training Program are eligible to take the Certification Examination.
- e) In the event the intern fails to successfully complete the Certification Examination on the initial administration, he or she will be allowed to re-take the Certification Examination a maximum of one time. Failure of this test shall result in the intern not being eligible for intern officer certification.
- f) In order to be eligible to re-take the Certification Examination, the intern must submit a written request to the Board. The intern must apply for and complete the re-take examination within six months after

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Section 1780. APPENDIX A Physical Fitness Standards

1. SIT AND REACH TEST: This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The test involves stretching out to touch the toes beyond the extended arms from the sitting position. The score is reflected by the inches reached on a yard stick with 15" being at the toes.

MALE AGE				
TEST	20-29	30-39	40-49	50-59
Plus				
Sit and Reach	16.0	15.0	13.8	12.8
12.0				
FEMALE AGE				
TEST	20-29	30-39	40-49	50-59
Plus				
Sit and Reach	18.8	17.8	16.8	16.3
15.0				

2. 1 MINUTE SIT UP TEST: This is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of force and is an important area for maintaining good posture and minimizing lower back problems.

MALE AGE				
TEST	20-29	30-39	40-49	50-59
Plus				
1 Minute Sit up	37	34	28	23
18				
FEMALE AGE				
TEST	20-29	30-39	40-49	50-59
Plus				
1 Minute Sit up	31	24	18	13
5				

ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARD

NOTICE OF PROPOSED RULES

the first attempt.

g) Interns who initially fail to successfully complete the Certification Examination on the first attempt will be administered an alternate version of the Certification Examination on the second attempt.

h) The Board will establish and publish the locations with the dates and times for the administration of re-take examinations.

i) The initial Certification Examination will be administered at the academy.

j) The intern will have 3.5 hours to complete the Certification Examination. An intern will be excused from completing the examination at that session if he/she is ill and excused by the proctor.

k) Individuals allowed within the testing area will be limited to Board-approved examination proctors, and those who are taking the examination.

l) Any intern who is uncooperative, disruptive or is thought to be cheating during the administration of the Certification Examination will be ordered by the proctor to turn in his or her examination and to leave the examination area. A complete written report of the incident will then be submitted by the proctor to the Director of the Board. The intern shall have the opportunity within seven days to submit a written report to the Director describing the intern's version of the event. In such cases it will be left to the discretion of the Director to determine whether the intern has forfeited the examination and whether the intern is eligible to re-take the Certification Examination. The Director's determination will be based on the nature of the intern's misbehavior and on the supporting evidence of such misbehavior.

ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARD

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3. 1 REPETITION MAXIMUM BENCH PRESS: This is a maximum weight pushed from the bench press position and measures the amount of force the upper body can generate. The score is reflected by the ratio of weight pressed to body weight.

	MALE AGE					FEMALE AGE				
TEST	20-29	30-39	40-49	50-59	Plus	20-29	30-39	40-49	50-59	Plus
Maximum Bench Press Ratio	.98	.87	.79	.70	.65	.58	.52	.49	.43	.42

Maximum
Bench
Press
Ratio

4. 1.5 MILE RUN: This is a timed run to measure the heart and vascular systems' capability to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems. The score is in minutes and seconds.

	MALE AGE					FEMALE AGE				
TEST	20-29	30-39	40-49	50-59	Plus	20-29	30-39	40-49	50-59	Plus
1.5 Mile Run	13:46	14:31	15:24	16:21	17:38	16:21	16:52	17:53	18:44	19:39

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Optional Claiming Races and Starter Allowance Races
- 2) Code Citation: 11 Ill. Adm. Code 719
- 3) Section Numbers: Proposed Action:
719.10 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This amendment removes the prohibition against optional claiming races.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
(312) 814-5070
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking did not appear in either of the two most recent Regulatory Agendas because: This rulemaking was not anticipated by the Board.

ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS
TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER d: RULES APPLICABLE TO THOROUGHBRED RACING

PART 719
OPTIONAL CLAIMING RACES AND STARTER ALLOWANCE RACES

Section 719.10 Optional Claiming Races (Repealed)
719.20 Starter Allowance Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted and codified at 7 Ill. Reg. 5228, effective April 1, 1983; amended at 22 Ill. Reg. _____, effective _____.

Section 719.10 Optional Claiming Races (Repealed)

Optional claiming races are not permitted in Illinois. Optional claiming races are those restricted to horses which have been entered to be claimed for a stated price and to other horses which have started previously for that price or less but have not been entered to be claimed. However, when an optional claiming race appears in a horse's past performance, it shall be regarded as follows:

- a) A winner of an optional claiming race when entered to be claimed will be considered the winner of a claiming race.
- b) A winner of an optional claiming race when not entered to be claimed will be considered the winner of an allowance race.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD
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The full text of the proposed amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Adopted Action:
112.78 Amendment4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].5) Effective Date of Amendments: July 24, 19986) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 6, 1998 (22 Ill. Reg. 4354)10) Has JCAR Issued a Statement of Objections to this Rule? No11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:

1. New subsection 112.78(o)(7) was added as follows:

"7) Failure to participate is determined to have occurred:

(A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or

(B) if the participant has engaged in misconduct connected with the work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer."

2. "If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80

DEPARTMENT OF HUMAN SERVICES

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hours." was added as the end of Section 112.78(p)(2).

3. "If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours." was added at the end of Section 112.78(p)(3).

4. New subsection 112.78(p)(8) was added as follows:

"8) Failure to participate is determined to have occurred:

(A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or

(B) if the participant has engaged in misconduct connected with the work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer."

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rule replace an Emergency Rule currently in effect? Yes14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.1	Amendment	22 Ill. Reg. 13286
112.9	Amendment	22 Ill. Reg. 13286
112.52	Amendment	22 Ill. Reg. 11290
112.68	Amendment	22 Ill. Reg. 6024
112.70	Amendment	22 Ill. Reg. 13286
112.72	Amendment	22 Ill. Reg. 13286
112.74	Amendment	22 Ill. Reg. 13286
112.78	Amendment	22 Ill. Reg. 13286
112.79	Amendment	22 Ill. Reg. 6024
112.79	Amendment	22 Ill. Reg. 13286
112.80	Amendment	22 Ill. Reg. 13286
112.110	Amendment	22 Ill. Reg. 10987
112.305	Amendment	22 Ill. Reg. 9102
112.310	New Section	22 Ill. Reg. 11683

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- 15) Summary and Purpose of Rule(s): This rulemaking provides for both the TANF cash assistance and the Food Stamp Programs to be worked off by participation in the Work First Program for both TWI and non-TWI participants. By combining the food stamps and the cash assistance grant, the Department will be able to place more clients in the Work First program which will allow the Department to meet the federal participation rate. These amendments will also act as a safety net for TWI individuals who have reached their 24-month limit.

Work First/Pay After Performance for TWI Participants

These amendments establish that TWI participants in Work First must work at least 80 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

Work First/Pay After Performance for Non-TWI Participants

These amendments establish that individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps. Nonexempt individuals in a two-parent case must participate an average of at least 30 hours each week in Work First and 5 additional hours in Job Search and/or job club activities. Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case will be ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings

DEPARTMENT OF HUMAN SERVICES

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112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
112.83 Teen Parent Services
112.84 Work Experience Evaluation Project (Repealed)
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit

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112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels in Group I Counties
112.253 Payment Levels in Group II Counties
112.254 Payment Levels in Group III Counties
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or

DEPARTMENT OF HUMAN SERVICES
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After 8/22/96
112.309 Institutional Status
112.315 Young Parent Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at

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7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112-78 through 112-86 and 112-88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

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alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

- 1) Assignment to Education (Below Post-Secondary)
 - A) Individuals to be assigned to Education may include but are not limited to individuals:
 - i) who do not have a high school degree or equivalent;
 - ii) who have limited English proficiency; and
 - iii) who do not read at or above a 9.0 grade level.
 - B) Educational activities may be combined with other activities if it is determined appropriate.
- 2) Approval criteria for education (Below Post-Secondary)
 - A) The program selected by the individual must be accredited under State law.
 - B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.
 - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
 - D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- 3) Participation Requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.
 - C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
 - i) active participation and pursuit of educational objectives;
 - ii) teacher's written remarks;
 - iii) grades;
 - iv) demonstrated competencies;
 - v) classroom exercises; and
 - vi) periodic test/retest results.
 - D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

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- E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.
- F) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.
- G) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.
- b) Vocational Training

Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. A Vocational Training program lasting two years or more is regarded as Post-Secondary Education under this subsection (b).

 - 1) Approval Criteria For Vocational Training
 - A) The individual's program must be accredited under requirements of State law.
 - B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
 - C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED.
 - D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
 - E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
 - F) Clients who are working at least 20 hours per week may be approved for education programs, including degree programs,

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to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources allow.

G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.

H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.

I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

J) Vocational Training may be combined with other activities if it is determined appropriate.

K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The individual must participate the assigned number of hours each week.

D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.

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c) Job Readiness

1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

Job Readiness activities may be combined with other activities if it is determined appropriate.

3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

C) The individual must participate the number of assigned hours each week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

d) Job Search

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.

2) Assignment to Job Search

A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own at the end of six months, they will be reassessed and may be placed in a more appropriate activity.

B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.

C) Job Search may be combined with other activities if it is determined appropriate.

3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure

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employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he or she should be in a different TANF activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

C) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).

e) Community Work Experience

TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual work experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of

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the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.

- 1) Assignment to Community Work Experience
 - A) Community Work Experience is for:
 - i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency; or
 - ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

B) Entry into Community Work Experience
Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).

C) Community Work Experience Positions

A) Participant shall be assigned to a Community Work Experience position to increase the individual's potential for attaining employment. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

Community Work Experience activities may be combined with other activities if it is determined appropriate.

D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

2) Participation Requirements

- A) The hours of the Work Experience assignment may not exceed 20 hours per week for participants in single parent TANF cases. The hours of the work assignment for a calendar month shall not exceed the family's TANF grant and food stamp allotment received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next

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calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours and the maximum number of hours that must be completed is 80 hours.

B) During work assignment, the participant shall be required to perform job search activities unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

D) The individual must participate the number of assigned hours each week.

J) Reassessment

Every six months, the participant's Responsibility and Services Plan will be reassessed. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the same or another work assignment. In addition, the individual will be assessed for assignment to another TANF activity.

4) Length of Assignment

The individual must participate in Work Experience for as long as his or her Responsibility and Services Plan reflects the need for this activity.

5) Anti-Displacement

Community Work Experience is subject to the provisions of Section 112.78(s).

F) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

A) Job ready individuals may be assigned to OJT.

B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.

- C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

The individual must participate the assigned number of hours each week.

3) Supportive Services

Participants in OJT receive child care and Medicaid benefits through the TANF program.

g) Work Supplementation Program

1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

2) Eligible Participants

A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.

B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:

- i) the recipient must be the parent of at least one of the children in the TANF unit;
- ii) the recipient must have completed the Job Search work activity; and
- iii) the recipient must have no income other than TANF benefits.

C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).

D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

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3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program

A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.

B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.

C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.

D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C 1614(e)(3)).

4) Duration of Program Participation

A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.

B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.

5) Contracts with Employers

A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.

B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

6) Calculation of the Diverted Grants

A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work

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Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.

B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.

C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.

7) Program Completion

If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.

8) Anti-Displacement

The Work Supplementation Program is subject to the provisions of Section 112.78(s).

h) Post-Secondary Education

Clients who are not working will not be approved for degree programs unless they can complete the program in one year or less. Clients who are working at least 20 hours per week may be approved for post-secondary education programs, including degree programs to upgrade their skills to the extent resources allow. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

1) Approval Criteria For Post-Secondary Education

A) The individual must have a high school diploma or a GED.

B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.

D) The individual must be in a program needed for the

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individual to obtain employment in a recognized occupation or upgrade skills for current employment.

E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.

F) If the participant possesses a baccalaureate degree, no additional education may be approved.

G) The individual's program must be accredited under requirements of State law.

H) If needed, the individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.

J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.

L) The individual, unless enrolled in a full-time, short-term vocational training program of less than two years, must also be employed in unsubsidized work for at least 20 hours each week or participating for at least 20 hours per week in one or more of the following paid or unpaid work activities:

i) work study;

ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;

iii) apprenticeships;

iv) self-employment; or

v) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).

M) Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20 hour per week work requirement by the end of the fall 1997 semester, or the activity will not be approved for the spring 1998 semester.

N) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary

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education and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment of at least 20 hours per week by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.

2) Participation Requirements

A) The individual must maintain participation of at least 75% unless there is good cause for missing more.

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

D) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.

i) Job Development and Placement (JDP)

1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

2) Assignment to JDP

Job ready individuals may be assigned to JDP.

j) Job Retention

Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.

k) Unemployed Parents Work Experience

1) Parents in a two-parent TANF case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).

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- 2) Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual Work Experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) of this Section).
- 3) At least one parent in a two-parent TANF case is required to participate in a Work Experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or until determined exempt from TANF. At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment.
- 4) Assignment to Work Experience
 - A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
 - i) age 20 and over must participate an average of at least 30 hours each week in the Unemployed Parents Work Experience work assignment. In addition, the client may participate in educational activities below the post-secondary level; or
 - ii) under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level or be assigned to Work Experience for 20 hours weekly as appropriate. If assigned to education, the individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.
 - B) Entry into Unemployed Parents Work Experience Participants in a two-parent TANF case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
 - C) Unemployed Parents Work Experience Positions
 - A) participant shall be assigned to an Unemployed Parents

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- Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.
- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.
 - E) Enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.
 - 5) Participation Requirements
 - A) Participants in two-parent TANF cases must make a good faith effort to complete up to one employer contact per week equivalent to five hours of job search activity in each 30-day period.
 - B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).
 - C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor. The individual must participate the number of assigned hours each week. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities. At least one parent in a two-parent TANF case is required to participate in a work experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or is determined exempt from TANF.
 - 6) Reassessment
 - A) At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment.
 - 7) Anti-Displacement
 - The Unemployed Parents Work Experience is subject to the provisions of Section 112.78(s).
 - 1) Self-Employment

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Self-employment activities will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

- 1) Assignment to Self-Employment
Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
- 2) Participation Requirements
Participants must participate in the assigned number of hours.
- 3) Self-Employment Asset and Income Exemptions
In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:
 - A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
 - B) submit a business plan which includes the following items:
 - i) verification that the business can be started for under \$5,000;
 - ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
 - iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
 - iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution and the estimated operating expenses.

- m) Unstructured Community Work Experience
Unstructured Community Work Experience provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Work Experience. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to complete the work activities booklet weekly to document their Job Search and Community Service activities. Activities must be for 20 hours per week or as assigned by their Responsibility and Services Plan.

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- n) Get A Job Initiative
 - 1) The Department will operate Get A Job as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in Get A Job.
 - 2) Selection of Participants
At the time TANF cash assistance is approved, adults who are not exempt from participation in the TANF Employment and Work Program and who meet the following criteria will be assigned to Get A Job. Nonexempt adults will be selected if:
 - A) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
 - B) their youngest child is age five through 12; and
 - C) the adult:
 - i) has a high school diploma or GED;
 - ii) has been employed within the last three months; or
 - iii) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.
 - 3) TANF Orientation and Family Assessment
A) At application, potential Get A Job participants will be identified during the intake process. The eligibility worker will inform the client about the TANF Employment and Work Program and explain Get A Job participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in Get A Job.
B) The determination that the client meets the selection criteria for Get A Job and the evaluation of the need for and arrangement of supportive services constitutes the initial TANF family assessment for Get A Job participants.
C) Participants will not be approved for education or training programs while in Get A Job.
 - 4) Participation Requirements
A) Unless they have good cause, participants must:
 - i) attend scheduled monthly job search meetings;
 - ii) keep appointments with Get A Job staff;
 - iii) make a good faith effort to complete 20 employer contacts each month;
 - iv) accept a bona fide offer of suitable employment; and
 - v) maintain employment and not voluntarily reduce earnings.
 - B) Participants will remain in Get A Job for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other TANF activities as slots are available.

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C) Participants will be placed in Get A Job each time they are approved for cash assistance and meet the selection criteria.

5) Supportive Services will be provided to assist participants in their job search.

A) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

B) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in Section 112.82.

6) Sanctions

A) Reconciliation will be attempted with participants who fail to meet participation requirements (see Section 112.77).

B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

o) Targeted Work Initiative (TWI)

1) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

2) Selection of Participants

TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient has earned income or is excused for one of the following reasons (other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):

A) The recipient is temporarily ill or chronically ill.

i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.

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ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.

iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.

3) Time Limit on Receipt of Cash Assistance

A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify for TANF, unless the participant is excused for one of the reasons in Section 112.78(o)(2).

B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.

C) After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months, unless the participant is employed or in Work First. When the participant is off cash assistance for 24 consecutive months, for any reason, the participant will again be eligible for TANF if all other eligibility factors are met.

4) Participation Requirements

During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.

5) Sanctions

A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).

B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

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6) Activity Assignments for TWI Participants

- A) Initial Activity Assignment
- i) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.
 - ii) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.
- B) Work First/Pay After Performance for TWI Participants
- i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.
 - ii) Participants in Work First must work at least 80 50 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. ~~Their TANF grant will be reduced by this amount--assigned hours--x minimum wage. They will be paid the Federal minimum wage by the employer or Community-Based Provider, for only the number of hours they actually participate.~~
 - iii) Participants in Work First must also complete 20 employer contacts each month equivalent to 35 hours of job ~~search--activities--per--month~~ or 35 hours of job club activities per month.
 - iv) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
 - v) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.
 - vi) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(s).
 - vii) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not

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determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

7) Failure to participate is determined to have occurred:

- A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
 - B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.
- p) Work First/Pay After Performance for Non-TWI Participants
- 1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.
 - 2) Individuals in a TANF case, assigned to Work First, must participate in Work First and other activities combined for an average of at least 20 hours each week to earn their TANF grant and food stamps ~~in FY-1997 and FY-1998, at least 25 hours each week in FY-1999 and at least 30 hours each week in FY-2000 and after.~~ If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.
 - 3) ~~Nonexempt Non-TWI nonexempt~~ individuals in a two-parent TANF case must participate an average of at least 30 35 hours each week in Work First and 5 additional hours in Job Search and/or job club activities. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.
 - 4) ~~Participants in Work First participate the number of hours per month equal to the relevant amount of benefits divided by minimum wage--other countable activities will be combined with Work First to meet minimum hourly participation requirements.~~
 - 4)5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
 - 5)6) The Department will develop Work First/Pay After Performance

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positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After performance assignments. Failure of an employer to do so will result in termination of the contract.

6)7) Work First/Pay After Performance for non-TWI participants is subject to the provisions of Section 112.78(s).

7) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

8) Failure to participate is determined to have occurred:

- A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
- B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.

g) Substance Abuse

1) Selection of Participants

If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

2) Work Activity

Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.

3) Supportive Services

Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

- A) Conciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.

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- B) When conciliation is unsuccessful, the TANF sanctions will apply.

r) Domestic Violence

1) Selection of Participants
All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.

2) Work Activity

Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.

3) Supportive Services

Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

s) Anti-Displacement and Grievance Procedure

1) An employer may not utilize a work activity participant if such utilization would result in:

- A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
- B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
- C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
- D) the placement of a participant in any established unfilled vacancy; or
- E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- A) the name and address of the participant or other employee at the work site (the grievant);

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- B) the participant's case number (if grievant is participant);
C) the grievant's Social Security number;
D) Work Experience (work site); and
E) a statement as to why the grievant believes the participant is causing displacement.
- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
A) the grievant;
B) the grievant's representative, if any;
C) the Work Experience Sponsor;
D) the Work Experience Sponsor's representative, if any; and
E) the Department's representative.
- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- 7) If the Department concludes that displacement occurred (as described in subsection (s)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor. The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended at 22 Ill. Reg. 14420, effective JUL 24 1998)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Request for Regulatory Action
- 2) Code Citation: 2 Ill. Adm. Code 961
- 3) Section Number: Adopted Action:
961.10 New Section
961.20 New Section
961.30 New Section
961.40 New Section
961.50 New Section
- 4) Statutory Authority: Implementing and authorized by Section 5-145 of the Illinois Procedures Act [5 ILCS 100/5-145].
- 5) Effective Date of Rule: July 27, 1998
- 6) Does this rule contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Part 961 is a "required rule", as that term is defined in Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and as a result is considered an internal agency rule which is not required to proceed through the general rulemaking process.
- 10) Has JCAR issued a Statement of Objections to this Rule? No, Part 961 is an internal rule which is not required to be submitted to JCAR for review pursuant to 1 Ill. Adm. Code 100.810.
- 11) Difference(s) between proposal and final version: No differences exist, Part 961 was not required to be submitted in the proposed version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR was not required to review Part 961, therefore, no changes were agreed upon by the Department and JCAR.
- 13) Will this Rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Part 961 will set forth the procedures that will allow any interested or affected party to petition the

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Department of Insurance to initiate regulatory action.

- 16) Information and questions regarding this adopted rule shall be directed to:

David Van Lieshout	Mary Meyer
Assistant Chief Counsel	Paralegal
Department of Insurance	Department of Insurance
320 West Washington	320 West Washington
Springfield, Illinois 62767-0001	Springfield, Illinois 62767-0001
217/782-2867	217/785-8220)

The full text of the Adopted Rule begins on the next page.

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TITLE 2: GOVERNMENTAL ORGANIZATIONS
SUBTITLE D: CODE DIVISIONS
CHAPTER XI: DEPARTMENT OF INSURANCE

PART 961

REQUEST FOR REGULATORY ACTION

Section	Purpose
961.10	Definitions
961.20	Petitions Requesting Regulatory Action
961.30	Petition Consideration
961.40	Petition Disposition
961.50	

AUTHORITY: Implementing and authorized by Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145].

SOURCE: Adopted at 22 Ill. Reg. 14455, effective

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Section 961.10 Purpose

The purpose of this Part is to set forth a procedure that will allow any interested or affected party to petition the Director of the Department of Insurance to initiate regulatory action.

Section 961.20 Definitions

Department means the Illinois Department of Insurance. Director means the Director of the Illinois Department of Insurance. Petitioner means an individual, organization or other entity who petitions the Director to initiate regulatory action. Regulatory action means the adoption, amendment or repeal of an administrative regulation.

Section 961.30 Petitions Requesting Regulatory Action

Any interested or affected party may petition the Department of Insurance to promulgate, amend or repeal an administrative regulation pursuant to the provisions of this Part. Such petition shall be submitted in writing to the Department of Insurance, Rules Unit Supervisor, 320 West Washington Street, Springfield, IL 62767-0001. This petition shall contain:

- The name, company and position title or designation of the petitioner along with a mailing address and telephone number for such petitioner;
- Identification of the regulatory action being sought (i.e. adoption, amendment, or repeal);
- A brief statement as to the purpose for the requested regulatory proposal including any arguments supporting such purpose;

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- d) A brief statement of the conditions or circumstances indicating a need for regulation.
e) Proposed text for the rule or amendment suggested.

Section 961.40 Petition Consideration

- a) In making a determination regarding the petition, the Department will take into consideration such factors as the proposal's compliance with the statutory authority and legislative intent upon which it is based, whether the proposal meets the definition of a rule pursuant to Section 1-70 of the Illinois Administrative Procedure Act (5 ILCS 100/1-70), and if the proposal is enforceable.
b) If after careful consideration, the Department elects to initiate rulemaking proceedings in accordance with Section 5-35 of the Illinois Administrative Procedures Act [5 ILCS 100/5-35], the Department shall notify the petitioner in writing of its intentions.

Section 961.50 Petition Disposition

A petition is considered denied when the Department either notifies the petitioner of its denial or does not initiate rulemaking proceedings on the subject of the petition within 30 calendar days after the receipt of such request. However, the Department is not then precluded from later initiating rulemaking proceedings which are in accordance with the petition, in which case the Department may notify the petitioner for informational purposes that such action will be taken.

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- 1) Heading of the Part: Licensing of Radioactive Material
2) Code Citation: 32 Ill. Adm. Code 330
3) Section Number: Adopted Action:
330.40 Amendment
4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
5) Effective Date of Amendments: July 27, 1998
6) Does this rulemaking contain an automatic repeal date? No
7) Does this amendment contain incorporations by reference? Yes
8) A copy of the adopted amendment, including all material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
9) Notices of Proposal Published in Illinois Register: April 3, 1998, 22 Ill. Reg. 6039
10) Has JCAR issued a Statement of Objections to this rule? No
11) Difference(s) between proposal and final version: None
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? No agreements were necessary between the agency and JCAR regarding this rulemaking.

- 13) Will this proposed amendment replace an emergency rule currently in effect? Yes

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulemaking will permit manufacturers to distribute a radioactive capsule containing one microcurie of carbon-14 urea to patients with peptic ulcers for diagnostic purposes. This rulemaking adds an agency note authorizing the use of the drug for internal uses only and explicitly precludes the use for research unless otherwise approved pursuant to Nuclear Regulatory Commission licensing requirements. Additionally, the Department is updating, from 1993 to 1997, a reference to federal licensing requirements of resin manufacturers.

- 16) Information and questions regarding this adopted amendment shall be

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directed to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
217/524-1003 (voice)
217/782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
330.10	Incorporations by Reference
330.15	License Exemption - Source Material
330.30	License Exemption - Radioactive Materials Other Than Source Material
330.40	

SUBPART B: TYPES OF LICENSES

Section	Types of Licenses
330.200	General Licenses - Source Material
330.210	General Licenses - Radioactive Material Other Than Source Material
330.220	

SUBPART C: SPECIFIC LICENSES

Section	Filing Application for Specific Licenses
330.240	General Requirements for the Issuance of Specific Licenses
330.250	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.260	Special Requirements for Specific Licenses of Broad Scope
330.270	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.280	Issuance of Specific Licenses
330.300	Specific Terms and Conditions of License
330.310	Expiration and Termination of Licenses
330.320	Renewal of Licenses
330.330	Amendment of Licenses at Request of Licensee
330.340	Department Action on Application to Renew or Amend
330.350	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part
330.360	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.370	Transfer of Material
330.400	Modification and Revocation of Licenses
330.500	Reciprocal Recognition of Licenses
330.900	

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SUBPART D: TRANSPORTATION (Repealed)

Section 330.1000	Transportation of Radioactive Materials (Repealed)
APPENDIX A	Exempt Concentrations
APPENDIX B	Exempt Quantities
APPENDIX C	Groups of Medical Uses of Radioactive Materials (Repealed)
TABLE A	Group I (Repealed)
TABLE B	Group II (Repealed)
TABLE C	Group III (Repealed)
TABLE D	Group IV (Repealed)
TABLE E	Group V (Repealed)
TABLE F	Group VI (Repealed)
APPENDIX D	Limits for Broad Licenses (Section 330.270)
APPENDIX E	Schedule E (Repealed)
APPENDIX F	Schedule F (Repealed)
APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D))
APPENDIX H	Wording of Financial Arrangements (Section 330.250(c)(1)(E))

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. **14459**, effective

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NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 330.40 License Exemption - Radioactive Materials Other Than Source Material

- a) Exempt Concentrations
- 1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Section 330-Appendix A of this Part provided they have been distributed

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pursuant to a license as described in subsection (a)(2) of this Section below. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.

2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) of this Section above or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14), an Agreement State or a Licensing State, except in accordance with a specific license issued pursuant to Section 330.280(a) of this Part or the general license provided in Section 330.900 of this Part.

b) Exempt Quantities

- 1) Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Section 330-Appendix B of this Part provided they have been distributed pursuant to a license as described in subsection (b)(3) of this Section below.

AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Department. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.

- 2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

- 3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Section 330-Appendix B of this Part, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this subsection (b) or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.18 or 32.21, or by the Department pursuant to Section 330.280(b) of this Part, which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device,

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commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt Items

- 1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

- i) 925 MBq (25 mCi) of tritium per timepiece;
- ii) 185 MBq (5 mCi) of tritium per hand;
- iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);
- iv) 3.7 MBq (100 microCi) of promethium-147 per watch or timepiece;
- v) 740 kBq (200 microCi) of promethium-147 per any other timepiece hand;
- vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);
- vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber: for wrist watches, 1 uCy (100 microrad) per hour at 10 centimeters from any surface; for pocket watches, 1 uCy (100 microrad) per hour at 1 centimeter from any surface; for any other timepiece, 2 uCy (200 microrad) per hour at 10 centimeters from any surface; or
- viii) 37 kBq (1 microCi) of radium-226 per timepiece in timepieces acquired prior to May 1, 1974.

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- B) Lock illuminators containing not more than 555 MBq (15 mCi) of tritium or not more than 74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 10 uCy (1 mrad) per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.
 - C) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part.
 - D) Automobile shift quadrants containing not more than 925 MBq (25 mCi) of tritium.
 - E) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas.
 - F) Thermostat dials and pointers containing not more than 925 MBq (25 mCi) of tritium per thermostat.
 - G) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:
 - i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;
 - ii) 37 kBq (1 microCi) of cobalt-60;
 - iii) 185 kBq (5 microCi) of nickel-63;
 - iv) 1.11 MBq (30 microCi) of krypton-85;
 - v) 185 kBq (5 microCi) of cesium-137; or
 - vi) 1.11 MBq (30 microCi) of promethium-147;
 and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 uCy (1 mrad) per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.
- AGENCY NOTE: For purposes of subsection (c)(1)(G) of this Section above, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.
- H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:
 - i) Each source contains no more than one exempt quantity set forth in Section 330. Appendix B of this Part; and
 - ii) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain one or more

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radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Section 330.280(c) of this Part, provided that the sum of such fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(H) of this Section above, 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

- 1) Spark gap irradiators containing not more than 37 kBq (1 microCi) of cobalt-60 per spark gap irradiator for use in electrically-ignited fuel oil burners having a firing rate of at least 11.4 liters (3 gallons) per hour.

2) Self-Luminous Products Containing Radioactive Material

A) Tritium, Krypton-85 or Promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Radium-226. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 which were acquired prior to May 1, 1974.

3) Gas and Aerosol Detectors Containing Radioactive Material

A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.26 or a Licensing State pursuant to Section 330.280(c) of this Part, which authorizes the transfer of the detectors to persons

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who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under subsection (c)(3)(A) of this Section above, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device and provided further that they meet the requirements of Section 330.280(c) of this Part.

C) Gas and aerosol detectors containing naturally-occurring or accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under subsection (c)(3)(A) of this Section above, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(c) of this Part.

- 4) Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR 32.17 published January 1, 1997 #993, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.

(Source: Amended at 22 Ill. Reg. 14459, effective JUL 27 1998)

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- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Numbers: Proposed Action:
692.10 Amendment
Appendix A
- 4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].
- 5) Effective Date of Amendments: July 24, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: July 25, 1997; 21 Ill. Reg. 9714
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version:

In Section 692.10(a)(3), an eligibility requirement relating to qualifying income level was changed from 200% to 400% of the Federal Poverty Level, effective August 1, 1998.

In Section 692.10(a)(7), Section 2-10 of the Public Aid Code, which is a definition of residence, was cross-referenced. Certain provisions of Section 2-10 of the Public Aid Code relating specifically to applicants for and recipients of public aid were either applied to recipients of services under ADAP or were excluded from the cross-reference.

In Section 692.10(g) a provision requiring a co-payment for ADAP participants with incomes above 100% of the Federal Poverty Level was eliminated.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint

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Committee have been made as indicated in the agreement letter issued by the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking adds legal residency in Illinois, as defined in the Public Aid Code, as an eligibility requirement for participation in the AIDS Drug Assistance Program. The rulemaking also changes the qualifying income level for ADAP from, at or below 200% of the Federal Poverty Level to at or below 400%, effective August 1, 1998, and eliminates a co-payment for ADAP participants with incomes above 100% of the Federal Poverty Level. The 200% qualifying level and the co-payment were implemented in January 1997. Administrative changes in ADAP and the addition of State and federal funds to ADAP have made it possible to restore the qualifying income level to 400%. Additionally, the Federal Poverty Income Guidelines in Appendix A have been updated to reflect 1998 levels.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services,
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(E-mail:rules@idph.state.il.us).

The full text of the Adopted Amendments begins on the next page:

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assistance applications pending or individuals in spenddown unmet status may participate); and
6) not be eligible for payment for prescription drugs from any other governmental entity; and-
7) be a legal resident of Illinois, as defined by Section 2-10 of the Public Aid Code [305 ILCS 5/2-10], except that:

- A) the provision of Section 2-10 of the Public Aid Code stating that applicants for or recipients of public aid must meet such durational requirements as to residence contained in applicable Sections of the Public Aid Code shall not apply to this Part; and
- B) the provision of Section 2-10 of the Public Aid Code regarding recipients of aid under Article III, IV, or VI [305 ILCS 5/Art. III, IV or VI] shall apply to any recipient of services under the AIDS Drug Assistance Program.

b) Persons enrolled in the AIDS Drug Assistance Program must reapply annually in order to continue receiving drugs through the Program.

- 1) Renewal applications must be received by the Department by the expiration date of the client's current enrollment.
- 2) If a renewal application is not received by the Department within 15 days after the expiration date of the client's current enrollment, the client will be removed from the Program and will be required to meet the eligibility requirements of subsection (a)(1) through (7) of this Section in order to continue receiving drugs through the Program.

c) The Department may suspend a client's enrollment in the AIDS Drug Assistance Program under the following circumstances:

- 1) submittal of fraudulent application information by an applicant or client;
 - 2) failure to submit an application by the due date;
 - 3) failure to utilize the Program for a six month period.
- d) Subject to the availability of funds the Department may implement cost control measures such as client benefit maximums or limitations on new enrollments.

e) All drugs provided under the AIDS Drug Assistance Program have been approved by the federal Food and Drug Administration. The following categories of drugs may be covered under the AIDS Drug Assistance Program. The Department, with the advice of the medical issues subcommittee of the Title II Ryan White AIDS Advisory Council, will determine which drugs will be covered, based on criteria that include the medical appropriateness of the drug for treatment of HIV/AIDS and associated complications:

- Category I - Drugs for Anti-Retroviral Therapy;
- Category II - Drugs for PCP Prophylaxis and Treatment;
- Category III - Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;
- Category IV - Drugs for Treatment of Neoplasms; and
- Category V - Other Drugs Requiring Prior Approval.

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE PROGRAM

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

APPENDIX A 1998 1996 Poverty Income Guidelines
APPENDIX B CARE Act Sliding Fee Scale

AUTHORITY: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff), and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14469, effective JUL 24 1998.

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

Drugs provided under this Section are paid for on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Assistance Program as of June 4, 1996, or:

- 1) make application with annual renewal to the Illinois Department of Public Health (Department);
- 2) be diagnosed as having AIDS or HIV;
- 3) on or after August 1, 1998, qualify financially with anticipated gross monthly income at or below 400% of the Federal Poverty Level for the size of the household (see Appendix A);
- 4) not be eligible for 80% or greater insurance coverage for drugs through another third party payor;
- 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical

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Section 692.APPENDIX A 19981996 Poverty Income Guidelines

Poverty-Income-Guidelines	
Size of Family Unit	Poverty Guideline
1	\$ 8,050 77740
2	10,850 107360
3	13,650 127900
4	16,450 157600
5	19,250 187220
6	22,050 207040
7	24,850 237460
8	27,650 267000

For family units with more than 8 members, add \$2,800 927620 for each additional member.

(Source: Amended 22 Ill. Reg. 14460, effective JUL 24 1998)

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- f) All prescriptions must be filled by the Department's sole pharmacy contractor.
- g) The Department may require participants to pay a copayment for prescriptions received. If a copayment is charged, it must not exceed the sliding fee structure specified in Title II of the CARE Act (see Appendix B). Effective July 17-1996--those participants--whose incomes--are above 100%--of the federal Poverty level--(\$7740--annually)--will be charged a copayment of \$10 per prescription--with--a--maximum payment of \$80--per year--July 1--June 30--.
- h) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within 30 days from the date the Department receives the application. The Department will make a disposition and issue a written decision on a renewal application filed pursuant to this Section within 15 days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 22 Ill. Reg. 14460, effective JUL 24 1998)

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1) Heading of the Part: Certified Local Health Department Code

2) Code Citation: 77 Ill. Adm. Code 600

3) Section Numbers: Adopted Action:

600.110 Amendment
600.200 Amendment
600.210 Amendment

4) Statutory Authority: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].

5) Effective Date of Amendments: July 24, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: January 16, 1998; 22 Ill. Reg. 1717

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version: There are no differences between the proposed and final versions.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Joint Committee did not suggest any changes to this rulemaking.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: The Department's rules specifying the procedures for certification of local health departments are being amended to delete certain obsolete references to time frames that were necessary when the rules were first adopted in 1993. The time frames were originally included to facilitate the transition from a system of recognized local health departments that carried out ten required public

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health programs to a system in which programs are developed by local health departments to address locally identified needs.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson 5th Floor
Springfield, Illinois 62761
(217)782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 600
CERTIFIED LOCAL HEALTH DEPARTMENT CODE

SUBPART A: GENERAL

Section
600.100
600.110

Statement of Purpose
Definitions

SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

Section
600.200
600.210

Provisional Certification
Certification

SUBPART C: PERSONNEL REQUIREMENTS

Section
600.300
600.310
600.320
600.330

Executive Officer
Public Health Administrator
Medical Health Officer
Denial of Personnel Application

SUBPART D: PRACTICE STANDARDS

Section
600.400
600.410

Public Health Practice Standards
Requirements for IPLAN or an Equivalent Planning Process

SUBPART E: DUE PROCESS

Section
600.500
600.510

Denial, Suspension or Revocation of Certification
Procedures for Hearings

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].

SOURCE: Filed April 17, 1968; emergency amendment at 5 Ill. Reg. 11091, effective October 1, 1981, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 2716, effective March 1, 1982; codified at 8 Ill. Reg. 18914; amended at 14 Ill. Reg. 840, effective January 1, 1990; new Part adopted

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by emergency rule at 17 Ill. Reg. 12918, effective July 21, 1993, for a maximum of 150 days; emergency repealer at 17 Ill. Reg. 13115, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4276, effective March 1, 1994; amended at 22 Ill. Reg. 14477, effective JUL 24 1996.

SUBPART A: GENERAL

Section 600.110 Definitions

For the purposes of this Part, the words and phrases defined herein shall have the following meanings:

"Certification" and "Certified" means certification granted to a local health department that meets the requirements set forth in Section 600.210 and Subparts C and D of this Part and is so designated by the Department.

"Community participation" means involvement by representatives of various community interests and groups. (Agency Note: Examples of such interests or groups are ethnic and racial groups, the medical community, mental health and social service organizations, the cooperative extension service, schools, law enforcement organizations, voluntary organizations, the clergy, the business community, economic development agencies, unions, and senior citizens.)

"Contributing factor" means a scientifically established factor that directly affects the level of a risk factor.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Equivalent to IPLAN" means an assessment and planning process approved by the Department which meets the requirements set forth in Section 600.410.

"Healthy People 2000" means National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, DHHS publication number (PHS) 91-50212. Healthy People 2000 contains a national strategy for significantly improving the health of the nation during this decade and contains measurable targets for striving toward health promotion and prevention of injuries and diseases.

"Impact objective" means a goal for the level to which a health problem should be reduced. An impact objective is intermediate in

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"Risk factor" means a scientifically established factor (determinant) that relates directly to the level of a health problem. A health problem may have any number of risk factors identified for it.

"Substantial compliance" means meeting the requirements set forth in this Part, except for variations from the strict and literal performance of such requirements which result in insignificant omissions and defects, given the particular circumstances and the incidence and history of such omissions and defects. Omissions and defects that have an adverse impact on public health and safety shall not be considered insignificant and shall be considered substantial noncompliance.

(Source: Amended at 22 Ill. Reg. 14479, effective JUL 31 1998)

SUBPART B: CERTIFICATION APPLICATION REQUIREMENTS

Section 600.200 Provisional Certification

a) A-Recognized-local-health-department-that-received-Developmental Health-Department-Grant-funds-during-all-or-part-of-State-Fiscal-Year 1993-may-apply-for-Provisional-Certification-within-30-days-following the-effective-date-of-this-Part.-Such-application-shall-be-submitted to-the-Department-by-letter-memorandum-or-similar-document-signed-by an-authorized-representative-and-shall-include-a-written-commitment-to the-Department-to-complete-IPLAN-or-an-equivalent-to-IPLAN-by-June-30, 1995-

a)b) A local health department that serves one or more counties and that is not a Certified local health department may make application for Provisional Certification. A-local-health-department-that-is-not-a-Recognized-local-health-department-as-defined-in-subsection-(a)-of this-Section-may-make-application-for-Provisional-Certification-if-it serves-one-or-more-counties. Such application shall be submitted to the Department by letter, memorandum, or similar document signed by an authorized representative and shall include a written commitment to the Department to complete IPLAN or an equivalent to IPLAN within two years after Provisional Certification is granted.

b)c) Upon submission of a complete application, the Department shall have 60 days to review the application. Provisional Certification shall be granted by the Department to any local health department that meets subsection (a) or-(b) of this Section. Provisional Certification shall expire upon Certification of the local health department or two years after the date Provisional Certification was granted, whichever is shorter. Provisional Certification may be renewed as provided in subsection (c) of this Section.

c)d) A local health department that has been granted Provisional

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length of time and measurable.

"Indirect contributing factor" means a community-specific factor that directly affects the level of the direct contributing factors. These factors can vary greatly from community to community.

"IPLAN" means the Illinois Project for Local Assessment of Needs, a process developed by the Department to meet the requirements set forth in Section 600.410. IPLAN is a series of planning activities conducted within the local health department jurisdiction resulting in the development of an organizational capacity assessment, a community health needs assessment, and a community health plan.

"IPLAN Data System" means a data base developed by the Department that contains the required data sets to measure community health indicators for assessment purposes.

"Legally authorized representative" means the person empowered to act on behalf of the local health department and board of health in such matters as executing contracts, signing applications, and undertaking other major administrative tasks.

"Local health department" means a local governmental agency that administers and assures health-related programs and services within its jurisdiction.

"Mandate" or "Mandated program" means those programs and activities that are statutorily required of local health departments by a legislative body, such as a city council, county board, or the General Assembly.

"Outcome objective" means a goal for the level to which a health problem should be reduced. An outcome objective is long term and measurable.

"Proven intervention strategy" means intervention strategy demonstrated to be effective or used as a national model.

"Provisional Certification" and "Provisionally Certified" means certification granted to a local health department that meets the requirements for Provisional Certification set forth in Section 600.210 and is so designated by the Department.

"Recognized-local-health-department"-means-a-local-health-department that-received-Basic-Health-Services-Grant-funds-or-Developmental Health-Department-Grant-funds-during-all-or-part-of-State-Fiscal-Year 1993-

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Certification may apply for renewal of Provisional Certification. Such application shall be made at least 30 days prior to expiration of the Provisional Certification by submitting to the Department a letter, memorandum, or similar document signed by an authorized representative. The application shall describe activities that the local health department performed during the current term of Provisional Certification and future activities that will be undertaken during the renewal term that would be expected to result in the completion of IPLAN or an equivalent to IPLAN.

- 1) Renewal applications that are complete and received by the Department no later than 30 days prior to the expiration of Provisional Certification shall be considered by the Department.
 - 2) The first renewal of Provisional Certification shall be made if the Department determines, on the basis of the application, that the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the renewal term.
 - 3) The second renewal of Provisional Certification shall be made if the Department determines, on the basis of a written explanation submitted by the local health department, in addition to the application for renewal specified in this subsection (c)(4), that the applicant can be expected to complete IPLAN or an equivalent to IPLAN by conclusion of the second renewal term. The explanation shall include documentation of the incomplete elements of IPLAN or an equivalent to IPLAN with their expected completion dates and the reasons why the local health department did not complete IPLAN or an equivalent to IPLAN within the first renewal term.
 - 4) A renewal of Provisional Certification granted by the Department shall not exceed 12 months.
 - 5) No more than two renewals of Provisional Certification shall be granted to a local health department.
- d) A provisionally Certified local health department is eligible to apply for a Local Health Department Development Grant, pursuant to the Department's Local Health Department Development Grant Rules (77 Ill. Adm. Code 610).
- e) The Department may conduct an on-site review of the local health department and such documents necessary to determine substantial compliance with this Section.
- (Source: Amended at 22 Ill. Reg. 14480, effective JUL 24 1993)

Section 600.210 Certification

- a) Certification--for--the--period--between--July--17--1993--and--December--31--1994--
- i) A--recognized--local--health--department--that--is--deemed--by--the--Department--to--meet--the--requirements--of--Subpart--C--and--which

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within--30--days--following--the--effective--date--of--this--Part--has--made--a--written--commitment--to--the--Department--to--complete--IPLAN--or--an--equivalent--to--IPLAN--by--June--30--1994--shall--receive--Certification--from--the--Department--The--written--commitment--shall--be--signed--by--an--authorized--representative--

2) Such--initial--Certification--granted--to--recognized--local--health--departments--shall--expire--on--or--before--December--31--1994--

- a) b) A Provisionally Certified local health department may apply for Certification. after--the--effective--date--of--this--Part--A--local--health--department--that--was--not--a--recognized--local--health--department--as--defined--in--Section--600.210--on--June--30--1993--may--apply--for--Certification--if--it--serves--one--or--more--counties--and--submits--an--application--to--the--Department--after--the--effective--date--of--this--Part--
- 1) Such application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs assessment and a community health plan in accordance with Subpart D of this Part. The application shall be signed by an authorized representative.
 - 2) Upon receipt submission of a complete application, the Department shall have 60 days to review the application to determine if the applicant meets the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part.
- A) If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be granted by the Department.
- B) If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification, pursuant to Section 600.510. Certification granted to local health departments that apply pursuant to this subsection shall expire five years following the date of Certification.
- b) Certification granted to local health departments that apply pursuant to this Section shall expire five years following the date of Certification.
- c) A Certified local health department may apply for renewal of Certification.
- 1) Such an application shall be made at least 60 days prior to the expiration of the Certification period. An application shall be submitted to the Department on forms or in a format provided or prescribed by the Department and shall include a community health needs assessment and a community health plan in accordance with

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prior to the expiration of the waiver period.

- i) The first extension of the waiver shall be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the first extended waiver period.
 - ii) The second extension of waiver shall be made if the Department determines, on the basis of a written explanation from the local health department, that reasonable progress has been made and the local health department can be expected to be in substantial compliance with applicable requirements of Certification on or before the conclusion of the second extended waiver period. The explanation shall include documentation of the applicable Certification requirements that are not being met, with the expected dates for completion and the reasons why the local health department was unable to achieve substantial compliance within the first extension period.
- 3) The Department shall review the local health department for substantial compliance with Certification requirements upon the expiration of the waiver period or upon request of the local health department. The Department's review shall include only those certification requirements that are the basis for the waiver.
- A) If the Department, based upon its review, determines that the local health department meets the requirements set forth in Subparts C and D of this Part, the local health department shall be considered in substantial compliance with the requirements of Certification, and no further action shall be taken by the Department.
 - B) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the waiver has expired, the Department shall notify the local health department of its option to request an extension of waiver under this Section.
 - C) If the Department, based upon its review, determines that the local health department does not meet the requirements set forth in Subparts C and D of this Part and the local health department's request was submitted prior to the expiration of the waiver period, the waiver shall continue until the end of the six-month period.
- e) The Department may conduct an on-site review of the local health department and such documents necessary to determine substantial

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Subpart D of this Part. The application shall be signed by an authorized representative.

- 2) Upon completion of a complete application, the Department shall have 60 days to review the application to determine if the applicant is in substantial compliance with the personnel requirements set forth in Subpart C of this Part and the practice standards set forth in Subpart D of this Part.

A) If the Department determines that the applicant is in substantial compliance with Subparts C and D of this Part, Certification shall be renewed by the Department for a five-year period.

- B) If the Department determines that the applicant is not in substantial compliance with Subparts C and D of this Part, renewal of Certification shall be denied and the local health department shall be notified in writing of the denial of Certification. Such notification shall specify the reasons for denial of Certification and shall describe the right of the applicant to request a hearing to appeal the denial of Certification renewal, pursuant to Section 600.510.

- d) A Certified local health department that at any time during the period for which the local health department has been granted Certification does not meet all applicable requirements for such Certification due to conditions or circumstances beyond the reasonable control of the local health department may make a written request to the Department for a waiver of the requirements set forth in Subparts C and D of this Part.

- 1) Conditions or circumstances beyond the reasonable control of the local health department shall include but not be limited to:

- A) Unanticipated or unavoidable lack of qualified personnel necessary to fulfill applicable requirements; or
- B) Disease outbreaks, natural disasters, and other unusual circumstances which may threaten the health and safety of residents and which require re-assignment of personnel to protect the health and safety of residents within the local health department's jurisdiction.

- 2) The Department shall grant a waiver if it determines that the local health department meets the conditions or circumstances specified in subsection (d)(1)(A) and (B) of this Section. The Department shall notify the local health department of its decision within 10 working days after the receipt of the request.

- A) A waiver shall be granted for a six-month period or until the conditions or circumstances referred to in subsections (d)(1)(A) and (B) subsection--(a) of this Section are remedied, whichever is shorter.

- B) The Department may extend a waiver for two additional six-month periods. All requests for extension of waiver shall be received by the Department at least 15 working days

DEPARTMENT OF PUBLIC HEALTH

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compliance with this Section.

(Source: Amended at 22 Ill. Reg. 14484, effective JUL 24 1998)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

1) Heading of the Part: Visa Waiver Program For International Medical Graduates2) Code Citation: 77 Ill. Adm. Code 591

<u>Section Numbers:</u>	<u>Adopted Action:</u>
591.10	New Section
591.20	New Section
591.30	New Section
591.40	New Section
591.100	New Section
591.110	New Section
591.120	New Section
591.130	New Section
591.140	New Section

4) Statutory Authority: Section 212 (e) of the Immigration and Nationality Act (8 USC 1182(e)) Section 214 (k) of the Immigration and Nationality Act (8 USC 1184) 22 CFR Part 5145) Effective Date of Rules: July 24, 19986) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporation by Reference? No8) A copy of the adopted rule including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: August 22, 1998; 21 Ill. Reg. 1162710) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No11) Difference Between Proposal and Final Version: Section 591.100(b) has been revised to clarify that the subsection refers to medical facilities.12) Have all the changes agreed upon by the Agency and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee.13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No14) Are there any other Amendments Pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED RULES
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES
SUBPART A: GENERAL PROVISIONS

Section	
591.10	Applicability
591.20	Definitions
591.30	Incorporated or Referenced Materials
591.40	Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section	
591.100	Participation Eligibility of Physicians and Facilities
591.110	Application Submission Timeframes
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance

AUTHORITY: Authorized by and implementing Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) and Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184), and 22 CFR Part 514, the Final Rule of the U.S. Information Agency, Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective JUL 24 1998.

SUBPART A: GENERAL PROVISIONS

Section 591.10 Applicability

This Part implements Section 1182(e) of the federal Immigration and Nationality Act, that allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized by the U.S. Information Agency

DEPARTMENT OF PUBLIC HEALTH
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16) Summary and Purpose of Amendments: This Part implements Section 1182(e) of the federal Immigration and Nationality Act, which allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized to request up to 20 J-1 Visa Waivers annually for eligible physicians. This Part specifies the Department's application and selection process applicable to the visa waiver program.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. Devito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-6187

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

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to request up to 20 J-1 Visa Waivers annually for eligible physicians.

- a) The provisions of this Part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.
- b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 Visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.

Section 591.20 Definitions

"Act" means the Immigration and Nationality Act (8 U.S.C. 1182(e) and 8 U.S.C. 1184(k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the federal Public Health Service Act (42 U.S.C. 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Full time practice" means maintaining office hours for patient care that equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in Table 9 of the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1995."

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, Bureau of Primary Health Care, Division of Shortage Designation. The HPSA designation for primary care physicians is based on the ratio of physicians in the specialties of family practice, general internal medicine, general pediatrics, and obstetrics-gynecology and is used to identify areas needing additional primary care physicians. The list of HPSAs is published periodically in the Federal Register, most recently on December 31, 1996.

"Medical facility" means a facility for the delivery of health services and includes:

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a community health center, public health center, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health service under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other federal medical facility.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

Section 591.30 Incorporated or Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) The following Illinois statutes and rules are referenced in this Part: Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- b) The following federal statutes and regulations are incorporated in this Part:
 - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254e (1991)).
 - 2) Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program (22 CFR Part 514, Rulemaking No. 115).
- c) All incorporations by reference of federal statutes and regulations refer to materials on the date specified and do not include any

DEPARTMENT OF PUBLIC HEALTH
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additions or deletions subsequent to the date specified.

Section 591.40 Administrative Hearings

All administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.100 Participation Eligibility of Physicians and Facilities

a) Physicians eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:

- 1) have entered into an employment contract with a facility located in an HPSA with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties;
 - 2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology; and
 - 3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties are indicated in the application of the physician seeking participation in this program.
- b) Medical facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:
- 1) be located in a geographic HPSA, be designated as a facility HPSA, or serve a population group HPSA, and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; or
 - 2) in urban areas, be a not-for-profit facility or a public facility.

Section 591.110 Application Submission Timeframes

- a) Applications for each federal fiscal year will be accepted initially between October 1 and October 30 of each year.
- b) If all 20 Visa Waivers are not identified from the applications received between October 1 and October 30, applications will be accepted again between January 1 and January 30; between April 1 and April 30, if necessary; and between July 1 and July 30, if necessary.
- c) Applications will not be accepted for employment start dates, as specified in the employment contracts, that are more than nine months after the date the application is submitted to the Department.

Section 591.120 Application Materials and Processing

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- a) Application materials are available from, and should be returned to, the following address:

J-1 Visa Waiver Program
Illinois Department of Public Health
Center for Rural Health
535 West Jefferson Street
Springfield, Illinois 62761

- b) The application materials to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:

- 1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement for the international medical graduate, and the impact on the facility and the patients it serves if the home country residency requirement is not waived;
- 2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and a statement that the physician will practice full-time in the HPSA identified in the contract;
- 3) statement from the employing health care facility or agency that the salary or other form of financial support offered to the international medical graduate is at a level equivalent to that offered to all other physicians recruited by the health care facility;
- 4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate, and if not, how admissions of the international medical graduate's patients will be arranged;
- 5) letter of support for the visa requirements waiver from a local organization or agency such as the chamber of commerce, local health department, or other community-based organization;
- 6) copy of the applicant's Illinois medical license or application for an Illinois medical license, the latter submitted to the Illinois Department of Professional Regulation sufficiently in advance of the employment beginning date to reasonably expect the license to be granted prior to the nine month deadline described in Section 591.110(c);
- 7) completed United States Information Agency Data Sheet;
- 8) copy of international medical graduate's curriculum vitae;
- 9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;

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- 10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(k)(1)(B) and (C) of the Immigration and Nationality Act;
 - 11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;
 - 12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;
 - 13) completed and notarized Certification Statement D regarding accuracy of application materials; and
 - 14) completed and notarized Certification Statement E regarding specialty status.
- c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.

Section 591.130 Selection Process

- a) In the first and second calendar quarters of the federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had two waivers approved may apply for additional waivers; however, selection priority will be given to applications from facilities that have not previously had waivers approved.
- b) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care specialty vacancies at the facility offering employment to the physician.
- c) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.
- d) Applications received in the first and second calendar quarters of the federal fiscal year will not be considered if the addition of the international medical graduate will increase the number of primary care physicians beyond the number needed to eliminate the health professional shortage area designation for the geographic area, facility or population group.

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- e) The Department will consider Visa Waiver applications only from urban facilities as long as the U.S. Department of Agriculture continues to accept applications from rural facilities. If the U.S. Department of Agriculture no longer accepts any Visa Waiver applications, the Department will accept applications from rural applicants.
- f) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture processes waiver applications from rural facilities:
 - 1) in each of the first and second calendar quarters of the federal fiscal year (October 1 through December 31 and January 1 through March 31), if sufficient applications are received, 25 percent of the approved applications will be reserved for downstate urban facilities; and
 - 2) in the first and second calendar quarters of the federal fiscal year, urban-based community health centers will be eligible to receive, but will not be limited to, a cumulative minimum of three waivers.
- g) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture no longer is processing waiver applications from rural facilities:
 - 1) in such quarters and if sufficient applications are received, the Department will reserve one half of the available waivers for rural facilities;
 - 2) if sufficient applications are received, 25 percent of the approved waivers will be reserved for downstate urban facilities; and
 - 3) in the first and second calendar quarters of the federal fiscal year, community health centers statewide will be eligible to receive, but will not be limited to, a cumulative minimum of four waivers.

Section 591.140 Terms of Performance

- a) Each six months subsequent to the date of the granting of the J-1 waiver by the U.S. Department of Justice, the Department of Public Health shall request written verification of the full-time practice of the international medical graduate in the health professional shortage area originally identified in the waiver application.
- b) If at any time the international medical graduate fails to practice on a full-time basis in the approved shortage area, the Department will notify the Immigration and Naturalization Service of the physician's breach of obligation.

ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hearings and Enforcement Proceedings

2) Code Citation: 11 Ill. Adm. Code 204

3) Section Number: Adopted Action:
204.100 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: August 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) A copy of this adopted amendment, rule or repealer together with any material incorporated by reference is available for public inspection at the IRB Central Office [100 West Randolph, Suite 11-100, Chicago, Illinois] during the hours of 8:30 a.m. and 5:00 p.m.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 4847 - March 13, 1998

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: In the Authority note, the parentheses around "a" were removed and the semicolon after 14a was replaced by a comma.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking allows the a hearing officer to rule upon motions made during an administrative hearing. Under the current rule, motions must be decided by the Board which can create delays and extend the time necessary to complete an administrative hearing. This amendment will reduce those delays and allow for a timely completion of administrative hearings.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro

Illinois Racing Board

Legal Department

100 West Randolph, Suite 11-100

Chicago, Illinois 60601

312/814-5070

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 204

HEARINGS AND ENFORCEMENT PROCEEDINGS

Section

204.10	Applicability
204.20	Requests for Hearing
204.30	Purse Distribution
204.40	Appointment and Disqualification
204.50	Transcripts
204.60	Appearances
204.70	Service
204.80	Subpoenas
204.90	Depositions & Interrogatories
204.100	Evidence
204.110	Stipulations
204.120	Continuances
204.130	Closing Arguments
204.140	Findings of Fact and Conclusions of Law

AUTHORITY: Implementing Sections 9(b), 9(e), 14a, 15 and 16 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b), 9(e), 14a, 15 and 16).

SOURCE: Appeals and Enforcement Proceedings, amended December 30, 1977; codified at 5 Ill. Reg. 10876; amended at 10 Ill. Reg. 3825, effective February 13, 1986; amended at 18 Ill. Reg. 7419, effective April 29, 1994; amended at 22 Ill. Reg. 14494, effective AUG 1 1998.

Section 204.100 Evidence

- a) All witnesses testifying at hearings shall testify upon oath or affirmation.
- b) The Board shall consider all relevant evidence.
- c) The Board shall not be bound by technical rules of evidence.
- d) The hearing officer shall have ~~has~~ the authority to rule upon motions and objections, exclude inadmissible evidence and control the hearing in accordance with Section 10-40 of the IAPA [5 ILCS 100/10-40].
- e) Exhibits shall be plainly marked and identified. The record shall reflect the identity of the party offering an exhibit and shall indicate whether it was admitted into evidence.
- f) The hearing officer and the Board may take official notice of:
 - 1) the customs, usages and traditions of horse racing;
 - 2) matters within its specialized knowledge and expertise;

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

3) all matters of which the Circuit Courts of this state may take judicial notice.

9) If a party has acted in bad faith or for purposes of delay or as to impede the Board in the discharge of its functions, he may be liable to a civil penalty pursuant to Section 9(1) of the Act.

(Source: Amended at 22 Ill. Reg. 14494, effective AUG 1 1998)

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS
101 West Jefferson Street
Springfield, Illinois 62702
(217) 782-7055

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Register Citation to Notice of Proposed Rules: 22 Ill. Reg. 7118, April 24, 1998
- 4) Date, Time and Location of Public Hearing:
August 21, 1998
10 am to 2 pm
Room 9-040
James R. Thompson Center
100 West Randolph Street
Chicago, Illinois 60601
- 5) Other pertinent information: The Department of Revenue is scheduling this public hearing on its rulemaking amending 86 Ill. Adm. Code Sections 100.3370 and 100.3380, regarding the computation of the sales factor used in apportioning business income of a nonresident to Illinois. The public hearing will be for the sole purpose of gathering public comment on the proposed rules.

The Department of Revenue will adhere to the following procedures in the conduct of the hearing:
 - A. Persons interested in presenting testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - B. Each person presenting oral testimony will be limited to fifteen minutes for the presentation of such testimony.
 - C. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - D. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete the presentation.
- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing or the proposed amendments may be directed to:

Paul S. Caselton
Associate Chief Counsel -- Income Tax
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Hearings pursuant to Section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1996), the Illinois Department of Labor will conduct two hearings involving objections to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in low-voltage electrical work on public works projects in each County within the State of Illinois, and the prevailing rate of wages for the classifications.

1) Date, Time and Location of Public Hearings:

- A) The hearing involving the Counties of Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will, State of Illinois:

Tuesday, September 1, 1998

10:00 A.M.

Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

- B) The hearing involving the remaining 93 Counties within the State of Illinois:

Thursday, September 3, 1998

10:00 A.M.

Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

- 2) Name and Address of Agency Contact Person: Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1805

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 21, 1998 through July 27, 1998 and have been scheduled for review by the Committee at its August 18, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/2/98	Department of State Police, Firearm Transfer Inquiry Program (20 Ill Adm Code 1235)	5/1/98 22 Ill Reg 7572	8/18/98
9/3/98	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	5/22/98 22 Ill Reg 8686	8/18/98
9/3/98	Department of State Police, Firearm Owner's Identification Card Act (20 Ill Adm Code 1230)	4/17/98 22 Ill Reg 6925	8/18/98
9/3/98	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	5/1/98 22 Ill Reg 7534	8/18/98
9/5/98	The Board of Trustees of the University of Illinois, Repeal of Joint Rules of The Board of Regents, The Board of Governors of State Colleges and Universities, The Board of Trustees of the University of Illinois, and The Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 540)	9/5/97 21 Ill Reg 12110	8/18/98
9/5/98	The Board of Trustees of the University of Illinois, Repeal of Joint Rules of The Board of Regents, The Board of Governors of State Colleges and Universities, The Board of Trustees of the University of Illinois, and The Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 540)	9/5/97 21 Ill Reg 12113	8/18/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Ill Adm Code 530)

9/5/98	The Board of Trustees of the University of Illinois, Repeal of Joint Rules of the Board of Regents, The Board of Governors of State Colleges and Universities, The Board of Trustees of the University of Illinois, and The Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 535)	9/5/97 21 Ill Reg 12116	8/18/98
9/5/98	Department of Public Aid, Long Term Care Reimbursement Changes (89 Ill Adm Code 153)	5/8/98 22 Ill Reg 7888	8/18/98
9/6/98	Department of Human Services, Service Planning and Provision (89 Ill Adm Code 684)	5/22/98 22 Ill Reg 8634	8/18/98
9/9/98	Department of Public Aid, Support Responsibility of Relatives (89 Ill Adm Code 103)	5/29/98 22 Ill Reg 9255	8/18/98

Rules acted upon during the quarter of April 1 through July 31, 1998 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatate@cegate.sos.state.il.us (Internet address).

PROPOSED

8-258-26	35-722-24	68-1210-23	89-20-31
11-719-32	35-723-24	68-1245-29	89-50-29
11-1770-31	35-724-24	68-1252-18	89-103-22
14-140-30	35-725-24	68-1283-18	89-112-22, 26, 27, 28
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